



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Secretary of Natural Resources

David K. Paylor  
Director  
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**MEMORANDUM**

TO: State Water Control Board Members

FROM: Betsy K. Bowles, Animal Feeding Operations Program Coordinator  
*Betsy K. Bowles*

DATE: May 15, 2020

SUBJECT: Request to Proceed to Notice of Public Comment and Hearing on Proposed Amendments to the Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management (9VAC25-630-10 et seq.)

**Introduction**

At the June 29, 2020 meeting, staff intends to bring to the Board a request to proceed to notice of public comment and hearing on proposed amendments to the Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management (9VAC25-630-10 et seq.). These changes are being proposed in order to allow for the reissuance of the general permit under this regulation, which is due to expire on November 30, 2020.

**Statutory Authority**

Va. Code § 62.1-44.17:1.1 authorizes the State Water Control Board to establish and implement the Poultry Waste Management Program. This Code section includes provisions that the Board must, at a minimum, include in its regulations developed pursuant to this authority, including provisions for permitting confined poultry feeding operations under a general permit. The statute also affords broad authority over the commercial poultry processor related to poultry waste and nutrient management.

**Background**

The VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-10 et seq.) first became effective on December 1, 2000 with the term of the permit being ten (10) years. The second became effective on December 1, 2010, thus expiring on November 30, 2020. This regulatory action will authorize the third ten (10) year term of the regulation and general permit.

Currently, there are 954 confined poultry feeding operations in the Commonwealth permitted under this VPA general permit. The general permit requires that poultry waste management activities be conducted with no point source discharge of wastewater to surface waters of the state except in the case of a storm event greater than the 25-year, 24-hour storm. Poultry farms covered under the VPA general permit, which do not have a point-source discharge are not required to obtain a Virginia Pollutant Discharge Elimination System (VPDES) permit for Concentrated Animal Feeding Operations (CAFOs).

This regulation also establishes the utilization, storage, tracking and accounting requirements related to poultry waste. This regulation governs the activities of permitted growers, poultry waste end-users and poultry waste brokers. The regulation also includes an option to require an end-user or broker that does not comply with the technical regulations found in section 60, 70 and 80 of 9VAC25-630 to be covered under the general permit. The VPA Regulation and General Permit for Poultry Waste Management is more stringent than the federal regulations that govern CAFOs because the VPA Regulation and General permit also governs the activities of poultry waste end-users and brokers.

### **Notice of Intended Regulatory Action and Technical Advisory Committee (TAC)**

A Notice of Intended Regulatory Action (NOIRA) was published in the Virginia Register of Regulations on October 1, 2018. A 30-day public comment period followed which ended on October 31, 2018. The majority of the nine commenters were requesting to participate on the Technical Advisory Committee (TAC) and in favor of reissuing the general permit in 2020. The comments can be found in the "public comment" section of the Town Hall document that is attached to this memo.

The Department utilized the participatory approach by forming an ad hoc TAC. The Department held four (4) public noticed meetings on March 25, 2019; July 18, 2019; October 19, 2019; and January 6, 2020. A list of the members of the TAC is attached to this memo. The TAC discussed amendments to the regulation, which included poultry waste storage requirements, recordkeeping and reporting requirements of poultry waste storage and poultry waste transfers, and requirements governing the activities of commercial poultry processors. The regulation with proposed amendments is attached, with added text underlined and deleted text struck through. A concise list of the proposed language changes is provided in the "detail of changes" section of the attached Town Hall document.

A brief summary of the significant amendments can be found below and are in the following major subject areas: poultry waste storage, site design and management; poultry waste transfer recordkeeping; permitted poultry grower - waste transfer reporting; litter amendment reporting; poultry waste end-user - waste transfer and utilization reporting; poultry waste broker - waste transfer reporting; and commercial poultry processor activities.

### **Poultry Waste Storage, Site Design and Management**

One TAC member recommended that staff consider amending the storage location requirements for waste not stored under a roof, to include an occupied dwelling setback. The proposal specifies that poultry waste may not be stored within 200 feet of an occupied dwelling not on the permittee's property (unless the occupant of the dwelling signs a waiver of the storage site). This condition is consistent with the land application setback. The addition of this setback provides for greater protection to neighboring dwelling occupants of the storage site just as with the land application sites. The members of the TAC generally supported the addition of the condition.

The proposal includes the addition of language to clarify which tools are to be used to determine the floodplain when siting poultry waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination. The members of the TAC generally supported the addition of the condition.

The proposal includes a new special condition that addresses situations where poultry waste storage can be threatened by emergencies such as fire or flood. The new condition provides criteria for the land application of poultry waste outside of the land application schedule found in the nutrient management plan so long as land application information is documented and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the permittee is faced with an emergency. The members of the TAC generally supported the addition of the condition.

The proposal also includes a new site management special condition related to managing impervious surfaces and poultry waste. Adding this condition ensures that the permit is clear regarding site management requirements necessary to avoid point-source discharges to surface waters. The members of the TAC generally supported the addition of the condition.

Several TAC members recommended that staff consider amending the waste storage requirements to provide more flexibility for the grower and end-user. The members of the TAC considered a staff drafted proposal that provided an additional option for the temporary storage of poultry waste. The additional option allowed for a slight extension of time without a cover so long as the specific management, siting requirements and compliance measures like visual inspections and recordkeeping were completed by the regulated entity. While the majority of the TAC members supported the amendments to include the additional inspections and recordkeeping, two members stated that they would support the draft temporary storage amendments only if DEQ required permitted poultry growers to report litter amendments (litter amendments are discussed in the Litter Amendment Reporting section below). The proposal does not include the additional option for the temporary storage of poultry waste for two reasons: 1) the lack of research data related to typical field-size litter piles and 2) the uncertainty of how safe it is to extend the length of time for poultry waste to be uncovered.

#### Poultry Waste Transfer Recordkeeping

The proposal includes the addition of “county” to the poultry waste transfer data recordkeeping items to be documented by the permitted grower, permitted end-user, permitted broker, and un-permitted end-user and un-permitted broker. This addition will facilitate a more complete and accurate dataset of poultry waste transfers that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs. The members of the TAC generally supported the addition of the item in the conditions throughout the regulation and general permit.

#### Permitted Poultry Grower - Waste Transfer Reporting

The members of the TAC did not reach consensus regarding waste transfer reporting requirements for the poultry growers.

There was a recommendation from two TAC members that DEQ require permitted growers to report poultry waste transfers. The majority of the other members of the TAC felt that adding a requirement

to submit records is unnecessary, as DEQ receives this information during inspections and can request the data at any time as stated in the current regulation.

The proposal includes a new phased in requirement for the permitted grower to submit poultry waste transfer records. In the first year after the effective date of the regulation: the permitted grower will submit poultry waste transfer records on at least an annual basis, upon the request of the Department, and in a format and method determined by the Department. In the second year after the effective date of the regulation and thereafter, the permitted grower would submit poultry waste transfer records, annually, for the preceding state fiscal year (July 1 through June 30) no later than September 15. The proposed requirement will enable DEQ staff to produce a more timely tracking and accounting dataset of poultry waste movement. The addition of this requirement ensures that the agency will receive the transfer records at least annually, which will facilitate the submittal of the transfer dataset, by DEQ, to the Chesapeake Bay Office of the EPA.

#### Litter Amendment Reporting

The members of the TAC did not reach consensus regarding litter amendment reporting requirements.

There was a recommendation from two TAC members that DEQ require permitted growers to report their use of litter amendments, primarily related to ammonia loss during storage. One other TAC member was a supporter of the addition if Virginia can get credit in the Bay model as a best management practice. The other TAC members were opposed to requiring the reporting of litter amendment use. Litter amendments are widely used by the poultry industry for bird health and welfare. The litter amendments are known to suppress ammonia releases while the birds are confined in the growing houses. The proposed regulation does not include the requirement to report litter amendments for two reasons: 1) the lack of research data related to litter amendments and their effectiveness on ammonia volatilization on waste stored outside and 2) since the proposal does not include an extension of uncovered temporary storage, there is no need to require the reporting of litter amendment use.

#### Poultry Waste End-User - Waste Transfer and Utilization Reporting

The members of the TAC did not reach consensus regarding reporting requirement for poultry waste end-users.

There was a recommendation from two TAC members that DEQ require end-users to report the records that the current regulation requires they maintain. The majority of the other members of the TAC expressed their concerns that requiring end-user reporting could result in potential end-users being reluctant to use litter, therefore causing a reduction in poultry waste transfers and the “stranding” of poultry waste on growers’ farms. During one of the TAC meetings, staff in the DEQ Chesapeake Bay Program Office gave a presentation on the Bay model and credit given to specific best management practices. Based on that information and discussion, the grower and broker poultry waste transfer records are sufficient to meet the Bay model requirements for poultry waste transfer. However, two members of the TAC felt that a requirement for end-users to report their records could be used to better characterize poultry waste utilization and compliance with the technical requirements.

The proposed regulation includes a new phased in requirement for the end-user to submit poultry waste transfers records and land applications records. In the first and second year after the effective date of the regulation, the end-user would submit poultry waste transfer records and land application records on at least an annual basis, upon the request of the Department, and in a format and method determined by the Department. In the third year after the effective date of the regulation and thereafter, the end-

user would submit poultry waste transfer records and land application records, annually, for the preceding state fiscal year (July 1 through June 30) no later than September 15.

#### Poultry Waste Broker - Waste Transfer Reporting

The proposal includes the amendment of dates for recordkeeping and reporting requirements for the broker. The change to recordkeeping and reporting timeframes of the poultry waste transfer data from the broker will facilitate a more complete and accurate dataset. A condition was added related to the original sources of commingled poultry waste. This new condition will facilitate better tracking of poultry waste transfers and reduce duplicative records. These amendments will enable better tracking and accounting of poultry waste transfers that DEQ reports to the Chesapeake Bay Office of EPA. The members of the TAC generally supported the amendments and new condition.

#### Commercial Poultry Processors

The proposal includes a new section that establishes technical requirements for the commercial poultry processor. The intention of this new section is to address activities performed by the commercial poultry processor, their company and contracted personnel on the contract poultry grower's farm related to poultry waste and nutrient management. These specific activities are performed under the control of the commercial poultry processor, not the permitted poultry grower, and include the catching and releasing of birds and feed delivery. Each of these activities when not performed carefully can contribute to additional nutrient spills or the production of process wastewater on the farm.

The proposed requirements are placed on the commercial poultry processor, their company and contracted personnel in order to prevent situations where their activities can result in discharges to State Waters and the production of process wastewater on the farm. The new section specifies clean up and proper disposal of materials that are spilled in relation to activities in which the commercial processor performs.

Adding this section will provide accountability for the specified activities performed by a commercial poultry processor. TAC members were divided in their support of the addition of the section. Those members who were not completely supportive indicated that they could accept the proposed language if the new section is ultimately added to the regulation.

#### Attachments

1. VPA Regulation and General Permit for Poultry Waste Management Technical Advisory Committee Members
2. Exempt Action Proposed Regulation Agency Background Document (Form TH-08)
3. 9VAC25-630-10 et seq. Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management Proposed Amendments
4. VPA Poultry Grower Registration Statement Form (permit application form)
5. VPA Poultry End-User and Broker Registration Statement Form (permit application form)
6. VPA Fact Sheet, Requirements for Poultry Litter Use and Storage

#### Contact Information

Betsy K. Bowles  
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**Poultry Waste Management Regulation  
Technical Advisory Committee Members**

Committee/Agency Lead:

Betsy K. Bowles – Animal Feeding Operations Program Coordinator

Agricultural Organization:

Hobey Bauhan – Virginia Poultry Federation  
Holly Porter – Delmarva Poultry Industry, Inc.  
Kyle Shreve – Virginia Agribusiness Council  
Tony Banks or Wilmer Stoneman – Virginia Farm Bureau

Integrator:

Doug Baxter – Tyson Foods, Inc.  
Steve Levitsky or Mark Patterson - Perdue Farms, Inc.

Farmer/ Broker/ Hauler:

Francis M. "Pete" Watson – Nottoway County Chicken Grower  
Jacki Easter – Oakdale Farm and Easter Design, Inc. – Amelia County Chicken  
Grower/ Poultry Waste Broker  
Mike Thompson – Round Hill Poultry LLC – Rockingham County Turkey Grower  
Jim Riddell – Georgewood Farm – Louisa County Farmer/ Poultry Waste End-  
User/ Agronomist/ Retired Extension Agent

Other Government Entity:

Kevin Dunn – Peter Francisco SWCD - Buckingham & Cumberland Counties/  
Buckingham County Poultry Grower  
Adrienne Kotula – Chesapeake Bay Commission

Environmental:

Joe Wood or Peggy Sanner or Jay Ford – Chesapeake Bay Foundation  
Mark Frondorf – Shenandoah Riverkeeper or Phillip Musegaas - Potomac  
Riverkeeper Network

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Technical Support to TAC from Other State Agencies:

DCR: Seth Mullins, Darryl Glover  
VDACS: Darrell Marshall


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## Exempt Action: Proposed Regulation Agency Background Document

<b>Agency name</b>	Department of Environmental Quality
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC25-630
<b>VAC Chapter title(s)</b>	Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management
<b>Action title</b>	<b>Reissue and amend, if necessary, the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management.</b>
<b>Date this document prepared</b>	5/18/2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The State Water Control Board is amending the existing Virginia Pollution Abatement (VPA) General Permit Regulation for Poultry Waste Management in order to reissue the permit regulation. The VPA General Permit Regulation for Poultry Waste Management governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys), and establishes utilization, storage, tracking and accounting requirements related to poultry waste, including that transferred from poultry feeding operations. The current general permit became effective on December 1, 2010. The permit term is ten years, thus it is due to expire on November 30, 2020.

### Mandate and Impetus

*Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

The current Virginia Pollution Abatement (VPA) Regulation and General Permit expires on November 30, 2020. This action is required in order to reissue coverage under the general permit for the 954 poultry operations that are currently covered under the General Permit.

## Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

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1-Confined poultry feeding operation means any confined animal feeding operation with 200 or more animal units of poultry. This equates to 20,000 chickens or 11,000 turkeys, regardless of animal age or sex.

2-Poultry waste means dry poultry litter and composted dead poultry.

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.*

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In 1999, the Virginia General Assembly passed House Bill 1207 (62.1-44.17:1.1) establishing the Virginia Poultry Waste Management Program. The Act required the State Water Control Board develop a regulatory program governing the storage, treatment and management of poultry waste including dry waste. Virginia Code § 62.1-44.17:1.1 authorizes the State Water Control Board to establish and implement the Poultry Waste Management Program. The Program established provisions for issuing general permits to confined poultry feeding operations. The regulation and general permit first became effective on December 1, 2000 and was reissued for another ten-year period, which became effective on December 1, 2010.

## Purpose

*Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

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The purpose of this action is to reissue the existing Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management. The current VPA general permit expires on November 30, 2020. The VPA Regulation and General Permit for Poultry Waste Management governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys) and establishes the utilization, storage, tracking and accounting requirements related to poultry waste.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

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This action is primarily a reissuance of the existing general permit as well as amendments that may be identified following the submittal of public comments on this notice.



## Issues

*Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

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The primary advantage of the proposed regulatory action is the reissuance of the regulation that will allow for confined poultry feeding operations to be covered under the general permit. The permit contains provisions appropriate for the protection of state waters, and the general permit process allows for protection of water quality with minimum agency resources related to the issuance of the permit. This is an advantage for the public, the regulated community, as well as the Commonwealth. There are no disadvantages of the proposed regulatory action.

## Requirements More Restrictive than Federal

*Please identify and describe any requirement of the regulatory change that is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

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There are no applicable federal requirements for confined poultry feeding operations that do not discharge or propose to discharge. The Virginia Pollution Abatement General Permit Regulation for Poultry Waste Management is a state program with requirements included in the regulation necessary to meet state statutory requirements.

## Agencies, Localities, and Other Entities Particularly Affected

*Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact, which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

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### Other State Agencies Particularly Affected:

This general permit regulation affects the Department of Conservation and Recreation since this regulation includes requirements for Nutrient Management Plans. The requirements for developing nutrient management plans fall under the purview of the Department of Conservation and Recreation.

### Localities Particularly Affected:

This general permit regulation affects the entire state; no particular localities are identified to be disproportionately impacted by this regulatory action.

### Other Entities Particularly Affected:

This general permit regulation affects the permitted growers, unpermitted and permitted end-users of poultry waste and brokers of poultry waste, and commercial poultry processors; no other entities are identified to be disproportionately impacted by this regulatory action.

## Regulatory Flexibility Analysis

*Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

Currently, 954 confined poultry feeding operations are covered under this general permit. One alternative to the reissuance of the VPA Regulation and General Permit for Poultry Waste Management is to issue coverage under an individual VPA permit to each poultry feeding operation, which confines 200 or more animal units. However, due to the number of confined poultry feeding operations currently required to obtain coverage under a VPA permit, it is not practical to issue coverage to each operation under an individual VPA permit. Operations that do not qualify for coverage under the general permit will be issued coverage under an individual VPA permit.

## Public Comment Received

*Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.*

Comments were submitted by nine commenters. The comments fell into three categories: requests to be on the TAC, support of the regulation as already written, and support to increase requirements to ensure nitrogen offsets from increases in poultry production and include air quality requirements.

Commenter	Comment	Agency response
Mr. Pete Watson	Betsy I have talked with Hobey and he has asked if I would be interested in the committee meetings, I would be very interested in attending if at all possible. I am a broiler grower and would like having some input and being there to hear what actually is decided.	Mr. Watson was recommended and approved to be a member of the Technical Advisory Committee.
Mr. Doug Baxter	I understand that the Poultry Waste Management general permit is going under review and possible revision prior to reissuance. I've participated in prior Technical Advisory Committees (TAC) and respectfully request the opportunity to serve on the TAC for this round of review.	Mr. Baxter was recommended and approved to be a member of the Technical Advisory Committee.
Mr. Mark Frondorf	Please consider me for joining the Technical Assistance Committee (TAC) for the purpose of reissuing and amending the existing Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management in order to continue the general permit coverage of nearly 1000 confined poultry feeding operations. In my earlier email to you, I requested consideration for joining the Technical Assistance Committee when it is actually the Technical Advisory Committee. So out of an abundance of caution, pls consider me for joining the Technical Advisory Committee (TAC) for the	Mr. Frondorf was recommended and approved to be a member of the Technical Advisory Committee.

	purpose of reissuing and amending the existing Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management.	
Mr. Tony Banks	Per the NOIRA (8/21/18), I am recommending Mrs. Jacki Easter serve on the TAC planned for the reissuance of the VPA GP for Poultry Waste and am submitting this recommendation and her contact information on her behalf and with her consent. Mrs. Easter and her family have been growing broilers for over 20 years in Amelia. Their poultry operation is covered under the VPA GP for Poultry Waste. Mrs. Easter and her family also operate a poultry litter brokerage.	Ms. Easter was recommended and approved to be a member of the Technical Advisory Committee.
Ms. Jacki Easter	Thanks Tony and Betsy for the consideration. OAKDALE FARM, doing business as Easter Design, Inc. Thanks again, Jacki	Ms. Easter was recommended and approved to be a member of the Technical Advisory Committee.
Ms. Holly Porter	Delmarva Poultry Industry, Inc. (DPI) is pleased to comment on the subject regulatory action proposed by the Virginia Department of Environmental Quality (DEQ). DPI is a nonprofit trade association that represents the broiler chicken industry in Delaware, the Eastern Shore of Maryland and Eastern Shore of Virginia. Our 1,800-member organization is the voice for the industry, including growers, companies and allied businesses, focusing on advocacy, education and member relations. DPI is a key stakeholder in discussions about this regulatory program. DPI's poultry grower members are directly and substantially impacted by the composition of the program, which has been designed to achieve meaningful water quality benefits while minimizing its economic burden upon regulated farmers. DPI encourages DEQ to maintain the basic structure and components of the permit and not to include any additional demands that are beyond the scope of the permit. Finally, I would like to participate, as a representative of the Eastern Shore of Virginia poultry community, on the Technical Advisory Committee that will advise DEQ on the regulation. Thank you for your consideration.	Ms. Porter was recommended and approved to be a member of the Technical Advisory Committee.
Mr. Hobey Bauhan	Virginia Poultry Federation (VPF) is pleased to comment on the subject regulatory action proposed by the Virginia Department of Environmental Quality (DEQ). VPF is a nonprofit trade association that promotes the interests of Virginia's poultry and egg industry through public and governmental relations and educational programs. Virginia's largest agricultural sector, the poultry industry contributes about \$13 billion annually to the Virginia economy; supports the livelihood of some 1,100 family farms; and employs more than 15,000 people. VPF is a key stakeholder in discussions about this regulatory program, having been involved with it since its inception. VPF's poultry grower members are directly and substantially impacted by the composition of the program, which has been designed to achieve meaningful water quality benefits while minimizing its economic burden upon regulated farmers. VPF encourages DEQ to approach the reissuance of the regulation and general permit with an eye toward maintaining its basic structure and components, which farmers are successfully implementing. Finally, I respectfully ask to be part of the Technical Advisory Committee that will advise DEQ on the regulation. Thank you for	Mr. Bauhan was recommended and approved to be a member of the Technical Advisory Committee.

	your consideration.	
Mr. Kevin Dunn	Thanks for getting back to me. A little back story on myself, I work for Piedmont which represents Prince Edward, Nottoway and Amelia which you have said is well represented. I am also a poultry producer in Buckingham and am a Director on the Peter Francisco District board representing Cumberland and Buckingham Counties. Is there any other grower representation for my counties? If not could I be considered? If your committee is set could you let me know the two farmers info so I and other growers in my area could convey our thoughts through them?	Mr. Dunn was recommended and approved to be a member of the Technical Advisory Committee.
Mr. Joe Wood	Please accept these comments related to the upcoming reissuance of the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management. CBF would greatly appreciate the opportunity to serve on the Technical Advisory Committee for the reissuance of the Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management. CBF has a long history of working on regulatory issues related to agriculture, environmental impacts and water quality issues. We specifically request membership for Joe Wood (Primary), Peggy Sanner (alternate) and Jay Ford (alternate). We look forward to working with DEQ and other stakeholders to develop a stronger and more effective permit for moving forward. The growing importance of poultry in Virginia. Poultry production represents the largest sector of the largest business (agriculture) in Virginia and this sector has shown consistent growth over the past 30 years. USDA's National Agricultural Statistics Surveys indicates that from 1984 to 2017, Virginia's poultry production increased from 158,624 birds/year (834,293 lbs/year) to 294,200 (2,067,540) corresponding to an 85% increase in animals and a 150% increase in production pounds (Figure 1). There have been periods of slight decline and accelerated growth, but on average, animal numbers have increased by 2.6% per year while production pounds have increased by 4.5% per year over the 33-year time span. In 2017, Virginia produced over \$700 Million in poultry products <sup>1</sup> . The proportional importance (relative to livestock) also continues to grow as poultry makes up approximately 71% of animal units in Virginia's portion of the Chesapeake Bay Watershed, up substantially from 54% back in 1984 <sup>1</sup> . Consequently, the number of animals covered by this VPA general permit has also been increasing, as evident by nearly 13% increase from 2010-2016 (Figure 2). Poultry growth clearly plays a significant role in Virginia's Agribusiness and economic benefits, but also presents new challenges for the state's goal to improve water quality, and to specifically reduce nutrient and sediment delivery to the Chesapeake Bay. Given the scale of poultry production in Virginia, and continued growth, it is critical for the state to establish a clear plan to address pollutant loads from this sector. The reissuance of this 10-year permit is extremely important and will ultimately have a large impact upon the restoration of the watershed. Further, this represents the last opportunity to improve this permit prior to the 2025 deadline for Chesapeake Bay Implementation. Relationship between growth and nutrient loads The impacts of the rate of poultry production upon nutrient and sediment loads can be divided into three main categories which include 1) the impacts of feeding spaces, 2) impacts associated with increases in poultry litter and associated land	impacts associated with increases in poultry litter and associated land application and 3)

application and 3) impacts of air (ammonia) emissions. In order to explore the potential impact of poultry growth on pollutant loads we present modeling efforts performed through the Chesapeake Assessment Scenario Tool (CAST). CAST allows for a hypothetical consideration of land use, animal units, and BMPs upon pollutant loads under previous, current and future conditions. However, the impacts of ammonia emissions from poultry are not calibrated to shifts in animal units and thus these values should be interpreted only as a summary of feedings space loads and impacts of increased litter production<sup>2</sup>. The Chesapeake Bay model divides agricultural loads into categories including Row Crops, Hay, Feeding Spaces, Other Ag, and Pasture. Feeding Spaces represent the most intense agricultural use with the highest pollutant loading rates which are more than 10-fold higher than any other type (Figure 3). The acreage of feeding space represents only a small proportion of agricultural lands (~.16% in Virginia's Chesapeake Bay Watershed) but a much larger proportion of the overall agricultural sources of nutrients and sediment delivered to the bay (2-4% depending on pollutant). As a result, management of these lands represents a critical opportunity to mitigate agricultural pollutant loads where they are most concentrated. Further, management of these lands is specifically considered in this AFO Poultry Permit. We specifically consider here scenarios from 1984 to 2017, and we have focused upon the five counties which have the highest rates of poultry production which includes Accomack, Augusta, Page, Rockingham and Shenandoah. Specifically, we considered progress reports from 1984-2017 with two BMP implementation scenarios. First, we considered the BMP implementation rates which correspond to the progress year (Progress), and second, we considered a constant BMP implementation (No Action) across all years. The progress scenario indicates estimates of actual pollutant loads whereas the no action scenario is intended to provide insights about how pollutant loads would have changed with growth in the absence of BMPs. The results of these analyses are shown below in Figure 4. Model inputs of poultry production generally increase from 1984 to 2017 similar USDA data (Figure 1) which is utilized as a source for the model. In the Progress scenario there is a steep decline in feeding space nitrogen loads from 1995-2000 corresponding to the timing of adoptions of the original AFO permit and its associated management actions. This load reduction is not observed in the No action scenario and thus emphasizes the important role this permit has played in reducing feeding space loads. However, from 2000 to 2017 the progress scenario displays a 15% increase in feeding space nitrogen loads, suggesting we are backtracking on the original progress made by the adoption of this permit on these lands, not due to declining management but rather as a result of increasing poultry production. Poultry production rates also influence the production of manure and the rate at which manure is applied to agricultural lands. The Chesapeake Bay model, following the guidance of the agricultural workgroup, estimates the proportion of land which received manure by considering the total number of animal units per county and the overall agricultural acres which exist within that county, along with data reporting on manure transport and export<sup>3</sup>. Figure 4 (top, orange diamonds)

	<p>illustrates the estimated proportion of land within the top 5 producing counties which receive manure. Results indicate there has been an increase in manured lands from ~53% in 1984 to 56% in 2017. While this 3% increase may seem small, it is important to note that this is 3% of all agricultural silage and grain acres which represent a much larger acreage (1,000 x the acreage of feeding spaces) than animal feeding operations occupy. In summary, these analyses indicate first that the AFO general permit has made tremendous strides towards mitigating nitrogen loads from feeding spaces, but also that increased poultry production plays an important role in offsetting this progress. As a result, we contend that maintaining a status quo permit, given the growth in poultry production which has been documented over the past 30 years, will result in increased nitrogen loads to Chesapeake Bay. Furthermore, these results do not capture air quality impacts related to ammonia air emissions which have been documented as a significant issue<sup>4, 5</sup>. While air monitoring represents a new and challenging component to incorporate into these permits, it is critical DEQ take this opportunity to comprehensively consider the water quality impacts directly related to ammonia emissions and monitoring is a critical step to moving forward on this front. We look forward to working with DEQ and other stakeholders to identify cost-effective and un-intrusive strategies which will advance this permit such that it achieves the goals intended of mitigating pollution and specifically reducing nitrogen, phosphorous and sediment loads to the Chesapeake Bay. We would welcome an opportunity to meet to discuss these analyses and ideas for moving forward prior to the Technical Advisory Committee, and further would be happy to present this information to the committee. Thanks so much for this opportunity to provide comments and we look forward to working together soon.</p>	
Mr. Wayne Pryor submitted by Ms. Whitney Perkins	<p>The Virginia Farm Bureau Federation is the largest farm membership organization in Virginia representing over 35,000 farm families from every agricultural production sector including poultry producers. Our comments pertain to the notice of intended regulatory action dated August 21, 2018 for the Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management. We believe the VPA general permit is sufficient to regulate poultry farms that generate dry poultry waste and protect water quality; and, therefore we support the reissuance of the current general permit for poultry waste management.</p>	Mr. Wayne Pryor submitted by Ms. Whitney Perkins

### Public Participation

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.*

In addition to any other comments, the State Water Control Board is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and forest land preservation. The agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to **Betsy Bowles, P.O. Box 1105, Richmond, Virginia 23218, phone: 804-698-4059 and Betsy.Bowles@deq.virginia.gov**. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

### Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Please include citations to the specific section(s) of the regulation that are changing.*

Current Section Number	New Section Number, if applicable	Current Requirements	Change, intent, rationale, and likely impact of new requirements
9VAC25-630-10 (Definitions)	N/A	This definition is not in the current regulation, only in the Law.	Added "Commercial poultry processor" definition. Definition comes directly from §62.1-17:1.1 and relates to new section added (9VAC25-630-90). This addition brings the definition forward into the regulation to facilitate a better understanding of the defined term.
9VAC25-630-10 (Definitions)	N/A	This definition is currently contained in the special conditions located in the contents of the general permit 9VAC25-630-50.	Added "Seasonal high water table" definition. Definition was stated in numerous conditions within the regulation; it was removed from conditions and moved to the definition section. This addition to the definition section will facilitate a better understanding of the term used throughout the regulation sections.
9VAC25-630-20 C (Purpose)	N/A	The current regulation will expire on December 1, 2020.	Amended effective date for General Permit to read December 1, 2020. Amended dates to allow for continuation of coverage under the General Permit. Amending this date will allow for the reissuance of the regulation and thereby extend the ability to provide coverage under the general permit for another 10 years.
9VAC25-630-25 E (Duty to comply)	N/A	Currently, the regulation does not outline any specific requirements to be followed by the commercial poultry processor.	Added: E. Any commercial poultry processor shall comply with the requirements outlined in 9VAC25-630-90. Added subsection to make it clear the duty to comply relating to the new section added (9VAC25-630-90). The addition of this subsection makes it clear that there is a duty to comply to specific requirements outlined in the new section (9VAC25-630-90).

9VAC25-630-30 A 2 (Authorization to manage pollutants)	N/A	The current section refers to the water quality standards regulation but does not cite the regulation.	Added the citation for the specific water quality standards regulation and amended condition language to make it consistent with other regulations.
9VAC25-630-30 B 2 b (Authorization to manage pollutants)	N/A	The current section refers to the water quality standards regulation but does not cite the regulation.	Added the citation for the specific water quality standards regulation and amended condition language to make it consistent with other regulations.
9VAC25-630-30 D 1 (Authorization to manage pollutants)	N/A	The current regulation allows for the continuation of the general permit coverage.	Removed the dates and revised the language to make it consistent with language in other general permits.
9VAC25-630-30 D 2 (Authorization to manage pollutants)	N/A	The current regulation is slightly inconsistent with the other general permit that covers animal feeding operations.	Amended language to make it consistent with the other VPA General Permit related to Animal Waste (9VAC25-192-50). This amended language will bring consistency to the general permit language that covers all of the animal waste facilities covered by the general permits.
9VAC25-630-40 A (Registration statement)	N/A	The email address is only required if applicable. The registration statement only refers to the integrator and not the commercial poultry processor.	Amended language: removed "if available" for the email address item on the registration statement. Amending this language will allow the agency to have a more efficient and cost effective method for contacting the permittee. Added the commercial poultry processor to the registration statement section to ensure the applicant understands the term and ensure consistency in throughout the regulation.
9VAC25-630-40 B (Registration statement)	N/A	The email address is only required if applicable. The registration statement does not require the applicant to indicate the integrator.	Amended language: removed "if available" for the email address item on the registration statement. Amending this language will allow the agency to have a more efficient and cost effective method for contacting the permittee. Added requirement to provide name of commercial poultry processor/integrator if the permittee is contracting to raise birds with an integrator. Adding this information allows the agency to know who the integrator is for the facility.
9VAC25-630-50 (Contents of the general permit)	N/A	The current regulation will expire on December 1, 2020.	Amended effective date for General Permit to read December 1, 2020. Amended date for reissuance of General Permit. Amending this date will allow for the reissuance of the regulation and thereby extend the ability to provide coverage under the general permit for another 10 years.



9VAC25-630-50 (Contents of the general permit) Part I subsection B	N/A	The tagline does not exist.	Amended subsection tagline to assist with reorganizing the conditions into specific subject matters. New tagline: "Site design, storage and operation requirements". The conditions have been separated from the poultry waste transfer and utilization and other general conditions to facilitate a clearer understanding of the requirements. Adding the tagline helps distinguish the subsections.
9VAC25-630-50 (Contents of the general permit) Part I subsection B	N/A	The specifics for determining the 100 year floodplain is not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting poultry waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination.
9VAC25-630-50 (Contents of the general permit) Part I subsection B	N/A	The special conditions are not organized into specific subject areas.	Made the following changes to the subdivisions: B 1 was not renumbered B 2 was not renumbered B 3 was not renumbered Original B 4 is now C 1 Original B 4 d is now C 2 New condition - C 3 Original B 4 e is now C 4 B 4 is a new condition Original B 5 is now D 2 Original B 6 is now C 5 Original B 7 is now B 5 Original B 8 is now C 6 Original B 9 is now C 7 Original B 10 is now C 8 Original B 11 is now C 10 Original B 12 is now C 11 Original B 13 is now D 1 Conditions are being kept, some were amended, many were moved to a specific subsection and renumbered. The site conditions have been separated from the poultry waste transfer and utilization conditions and other special conditions to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part I subsection B 2 c.	N/A	Amended condition	Added "of" to the condition in two places to correct the sentence structure. Amending this language clarifies the condition.
9VAC25-630-50 (Contents of the general permit) Part I subsection B 2 c.	N/A	Definition exists in current regulation	Removed definition of seasonal high water table because it was added to the definition section of the regulation.

9VAC25-630-50 (Contents of the general permit) Part I subsection B 2 d (2)	N/A	The setback is in the land application setbacks only.	Added a new setback condition for siting temporary poultry waste storage - 200 feet from any occupied dwelling not on the permittee's property (unless the occupant of the dwelling signs a waiver of the storage site). This condition is consistent with the land application setback. This addition of this setback provides for greater protection to neighboring dwelling occupants of the storage site just as with the land application sites.
9VAC25-630-50 (Contents of the general permit) Part I subsection B 3	N/A	The specifics for determining the 100 year floodplain is not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting poultry waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination.
9VAC25-630-50 (Contents of the general permit) Part I subsection B	N/A	New condition.	Added a new special condition (new B 4) for the site related to managing impervious surfaces and poultry waste. Adding this condition ensures clarity with the expectations of site management.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	The overall requirements for storage exist in the current regulation.	Added a new subsection related to poultry waste storage conditions to allow for the reorganization of the conditions into specific subject matters within the permit to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	These conditions exist in the regulation.	Added a new subsection and tagline specific to "Poultry waste transfer and utilization requirements". This change will allow for the reorganization of the conditions within the permit to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	Locality is specifically spelled out but county is not.	Added "county" to locality. The addition of county to the poultry waste transfer data recordkeeping will facilitate a more complete and accurate data set of poultry waste transfers that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citation in renumbered C 2 and C 5 a because the conditions were moved to the new subsection C. This change will ensure the requirements are understandable.

9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	The condition only requires that the records are maintained on site and made available to staff upon request.	Added a reporting requirement to phase in reporting by the permitted grower. In the first year of the effective date of the permit-the permitted grower will submit the poultry waste transfer records upon the request of the department, in a format and method determined by the department. In the second year of the effective date of the permit-the permitted grower will submit the poultry waste transfer records, annually, records for the preceding state fiscal year (July 1 through June 30) no later than September 15. The addition of this requirement ensures that the agency will receive the transfer records annually to facilitate the submittal of the records by DEQ to the Chesapeake Bay Office of the EPA.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citation in C 3 that changed due to the recodification of the Nutrient Management Training and Certification Regulations administered by the Department of Conservation and Recreation. This change will ensure the requirements are accurate and understandable.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citation in C 4 that changed due to the recodification of the Nutrient Management Training and Certification Regulations administered by the Department of Conservation and Recreation. This change will ensure the requirements are accurate and understandable.
9VAC25-630-50 (Contents of the general permit) Part I (new) C	N/A	The requirement to report unusual or extraordinary discharges is a condition found in Part II H of the permit.	Added a new condition to clarify requirements in cases of waste storage emergencies such as fire or flood. The new condition provides criteria for the land application of poultry waste outside of the land application schedule found in the nutrient management plan so long as land application information is documented and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the permittee is faced with an emergency.
9VAC25-630-50 (Contents of the general permit) Part I (new) D	N/A	These conditions exist in the regulation.	Added a new subsection and tagline specific to "Other special conditions". The language in the conditions moved to this new subsection remain unchanged. This change will allow for the reorganization of the conditions within the permit to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part II subsection A	N/A	This condition exists in the regulation.	Amended this condition. The procedures for soil and waste analysis are determined by the Department of Conservation and Recreation (DCR). DCR also administers the Nutrient Management Training and Certification Regulations. Amended the language to clarify that the requirements are found in the permit.
9VAC25-630-50 (Contents of the general permit) Part II subsection H	N/A	This condition exists in the regulation.	Amended this condition. Correct a typo effect instead of affect.

9VAC25-630-50 (Contents of the general permit) Part II subsection I	N/A	This condition exists in the regulation.	Amended this condition. Corrected name of the Virginia Department of Emergency Management.
9VAC25-630-50 (Contents of the general permit) Part II subsection W	N/A	The condition exists in the regulation.	Amended the condition. Amended the language to make it clear that all areas (such as storage, and land application areas) where the pollutant management activities occur can be inspected by department staff.
9VAC25-630-50 (Contents of the general permit) Part III subsection B	N/A	The tagline does not exist.	Amended subsection tagline to assist with reorganizing the conditions into specific subject matters. New tagline: "Site design, storage and operation requirements". The conditions have been separated from the poultry waste transfer and utilization and other general conditions to facilitate a clearer understanding of the requirements. Adding the tagline helps distinguish the subsections.
9VAC25-630-50 (Contents of the general permit) Part III subsection B	N/A	The special conditions are not organized into specific subject areas.	Made the following changes to the subdivisions: B 1 was not renumbered B 2 was not renumbered B 3 was not renumbered Original B 4 is now C 1 B 4 is a new condition Original B 5 is now C 2 Original B 6 is now C 3 Original B 7 is now C 4 New condition - C 5 Original B 8 is now C 6 Original B 9 is now D 2 Original B 10 is now C 7 Original B 11 is now B 5 Original B 12 is now C 8 Original B 13 is now C 9 Original B 14 is now C 10 New condition - C 11 Original B 15 is now C 12 Original B 16 is now C 13 Original B 17 is now D 1 Conditions are being kept, some were amended, many were moved to a specific subsection and renumbered. The site conditions have been separated from the poultry waste transfer and utilization conditions and other special conditions to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part III subsection B 2 c.	N/A	Amended condition	Added "of" to the condition in two places to correct the sentence structure. Amending this language clarifies the condition.

9VAC25-630-50 (Contents of the general permit) Part III subsection B 2 c.	N/A	Definition exists in current regulation	Removed definition of seasonal high water table because it was added to the definition section of the regulation.
9VAC25-630-50 (Contents of the general permit) Part III subsection B 2 d (2)	N/A	The setback is in the land application setbacks only.	Added a new setback condition for siting temporary poultry waste storage - 200 feet from any occupied dwelling not on the permittee's property (unless the occupant of the dwelling signs a waiver of the storage site). This condition is consistent with the land application setback. This addition of this setback provides for greater protection to neighboring dwelling occupants of the storage site just as with the land application sites.
9VAC25-630-50 (Contents of the general permit) Part III subsection B 3	N/A	The specifics for determining the 100 year floodplain is not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting poultry waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination.
9VAC25-630-50 (Contents of the general permit) Part III subsection B	N/A	New condition.	Added a new special condition (new B 4) for the site related to managing impervious surfaces and poultry waste. Adding this condition ensures clarity with the expectations of site management.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	The overall requirements for storage exist in the current regulation.	Added a new subsection and tagline specific to "Poultry waste transfer and utilization requirements". This change will allow for the reorganization of the conditions within the permit to facilitate a clearer understanding of the requirements.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	Locality is specifically spelled out but county is not.	Added "county" to locality. The addition of county to the poultry waste transfer data recordkeeping will facilitate a more complete and accurate data set of poultry waste transfers that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs.
9VAC25-630-50 (Contents of the general permit) Part I subsection (new) C	N/A	The condition only requires that the records are maintained on site and made available to staff upon request.	Added a reporting requirement to phase in reporting by the permitted end-user or permitted broker. In the first year of the effective date of the permit-the permitted grower will submit the poultry waste transfer records upon the request of the department, in a format and method determined by the department. In the second year of the effective date of the permit-the permitted grower will submit the poultry waste transfer records, annually, records for the preceding state fiscal year (July 1 through June 30) no later than September 15. The addition of this requirement ensures that the agency will receive the transfer records annually to facilitate the submittal of the records by DEQ to the Chesapeake Bay Office of the EPA.

9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citations in C 4 and C 7 a because the conditions was moved to the new subsection C. The changes will ensure the requirements are understandable.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citation in C 8 that changed due to the recodification of the Nutrient Management Training and Certification Regulations administered by the Department of Conservation and Recreation. This change will ensure the requirements are accurate and understandable.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	These conditions exist in the regulation.	Corrected the citation in C 9 that changed due to the recodification of the Nutrient Management Training and Certification Regulations administered by the Department of Conservation and Recreation. This change will ensure the requirements are accurate and understandable.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) C	N/A	The requirement to report unusual or extraordinary discharges is a condition found in Part II H of the permit.	Added a new condition C 11 to clarify requirements in cases of waste storage emergencies such as fire or flood. The new condition provides criteria for the land application of poultry waste outside of the land application schedule found in the nutrient management plan so long as land application information is documented and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the permittee is faced with an emergency.
9VAC25-630-50 (Contents of the general permit) Part III subsection (new) D	N/A	These conditions exist in the regulation.	Added a new subsection and tagline specific to "Other special conditions". The language in the conditions moved to this new subsection remain unchanged. This change will allow for the reorganization of the conditions within the permit to facilitate a clearer understanding of the requirements.
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers) Subsection A	N/A	The existing requirement is clarified.	Amended subsection A to clarify that the form for broker registration is provided by the department. Amending this language provides clarity for where the form originates.
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers) Subsection C	N/A	Locality is specifically spelled out but county is not.	Added "county" to locality. The addition of county to the poultry waste transfer data recordkeeping will facilitate a more complete and accurate data set of poultry waste transfers that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs.

9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers) Subsection C	N/A	This is an existing condition.	Corrected typo in C 2 f. Correcting this typo will not change the requirements for the broker; only clarify the language.
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers) Subsection D	N/A	This is an existing condition.	Amended the dates for recordkeeping and reporting. Added the requirements to the items required to be reported annually. The change to recordkeeping and reporting timeframes of the poultry waste transfer data from the broker will facilitate a more complete and accurate data set that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs.
9VAC25-630-60 (Tracking and accounting requirements for poultry waste brokers) Subsection E	N/A	The recordkeeping item exists in the section; it is not explicitly required to report the item separately.	Added language related to original sources of commingled poultry waste. The added language will facilitate better tracking of poultry waste transfers which will provide for a more complete and accurate data set that can be sent by DEQ to the Chesapeake Bay Office of EPA.
9VAC25-630-70 (Tracking and accounting requirements for poultry waste end-users) Subsection A	N/A	Locality is specifically spelled out but county is not.	Added "county" to locality in subsection A 1 b. The addition of county to the poultry waste transfer data recordkeeping will facilitate a more complete and accurate data set of poultry waste transfers that can be sent by DEQ to the Chesapeake Bay Program Office of the Environmental Protection Agency (EPA) for inclusion in the Bay model and progress runs.
9VAC25-630-70 (Tracking and accounting requirements for poultry waste end-users) Subsection A	N/A	Reporting requirement is not in the current regulation.	Added phased in reporting for waste transfer & land application records which are required to be maintained by the current regulation. First and second year send to DEQ annually upon request of DEQ. 3rd year – submit records for preceding state fiscal year, no later September 15.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection B	N/A	Amended condition	Added "of" to the condition in two places to correct the sentence structure. Amending this language clarifies the condition.

9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection B	N/A	Definition exists in current regulation	Removed definition of seasonal high water table because it was added to the definition section of the regulation.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection B	N/A	The setback is in the land application setbacks only.	Added a new setback condition for siting temporary poultry waste storage in subsection <i>B 1 d (2)</i> - 200 feet from any occupied dwelling not on the non-permitted end-user's or non-permitted broker's property (unless the occupant of the dwelling signs a waiver of the storage site). This condition is consistent with the land application setback. This addition of this setback provides for greater protection to neighboring dwelling occupants of the storage site just as with the land application sites.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection B	N/A	The specifics for determining the 100 year floodplain is not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting poultry waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection C	N/A	Existing condition.	Amended language in subsection C to clarify the requirements and make the threshold consistent for a better understanding of the regulatory requirements. This was supposed to be corrected during the last regulatory action based on the TAC and staff decision to keep the 10 ton threshold. This amendment will make the regulation consistent and easier to understand and comply with for the applicable entities.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection C	N/A	These are existing conditions.	Corrected the citation in <i>C 1 c (2)</i> , <i>C 1 c (3)</i> and <i>C 2</i> due to the recodification of the Nutrient Management Training and Certification Regulations administered by the Department of Conservation and Recreation. This change will ensure the requirements are accurate and understandable.
9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection C	N/A	This is a new condition.	Added a new condition ( <i>C 4</i> ) to clarify requirements in cases of waste storage emergencies such as fire or flood. The new condition provides criteria for the land application of poultry waste outside of the land application schedule found in the nutrient management plan so long as land application information is documented and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the permittee is faced with an emergency.



9VAC25-630-80 (Utilization and storage requirements for transferred poultry waste) Subsection E	N/A	The current section refers to the water quality standards regulation but does not cite the regulation.	Added the citation for the specific water quality standards regulation and amended condition language to make it consistent with other regulations.
N/A	9VAC25-630-90. Commercial poultry processor activities	Currently, the regulation does not outline any specific requirements to be followed by the commercial poultry processor.	Added a new section with language related to the commercial poultry processor activities. Added the new section to address activities performed by the commercial poultry processor on the contract grower's farm. Adding this section will provide accountability for activities that are performed by a commercial poultry processor.
FORMS (9VAC25-630)	N/A	The current effective forms are consistent with the current regulation.	Revised forms and Poultry Litter Fact Sheet to be consistent with the changes made to 9VAC25-630-40, 9VAC25-630-70 and 9VAC25-630-80. Revising the registration statements and the Poultry Litter Fact Sheet will provide forms consistent with the changes made to sections previously mentioned.

### Family Impact

*In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

It is not anticipated that an amendment to this regulation will have any impacts on the family and family stability.



**Project 5666 - NOIRA**

**STATE WATER CONTROL BOARD**

**Reissue and amend, if necessary, the Virginia Pollution Abatement Regulation and  
General Permit for**

**CHAPTER 630**

**VIRGINIA POLLUTION ABATEMENT REGULATION AND GENERAL PERMIT FOR POULTRY  
WASTE MANAGEMENT**

**9VAC25-630-10. Definitions.**

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the Permit Regulation (9VAC25-32) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Agricultural storm water discharge" means a precipitation-related discharge of manure, litter, or process wastewater that has been applied on land areas under the control of an animal feeding operation or under the control of a poultry waste end-user or poultry waste broker in accordance with a nutrient management plan approved by the Virginia Department of Conservation and Recreation and in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater.

"Animal feeding operation" means a lot or facility (other than an aquatic animal production facility) where both of the following conditions are met:

1. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
2. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the operation of the lot or facility.

Two or more animal feeding operations under common ownership are a single animal feeding operation for the purpose of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

"Commercial poultry processor" or "processor" means any animal food manufacturer, as defined in § 3.2-5400, that contracts with poultry growers for the raising of poultry.

"Confined animal feeding operation," for the purposes of this regulation, has the same meaning as an "animal feeding operation."

"Confined poultry feeding operation" means any confined animal feeding operation with 200 or more animal units of poultry. This equates to 20,000 chickens or 11,000 turkeys, regardless of animal age or sex.

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality or his designee.

"Fact sheet" means the document prepared by the department that summarizes the requirements set forth in this chapter regarding utilization, storage, and management of poultry waste by poultry waste end-users and poultry waste brokers.

"General permit" means 9VAC25-630-50.

"Nutrient management plan" or "NMP" means a plan developed or approved by the Department of Conservation and Recreation that requires proper storage, treatment, and management of poultry waste, including dry litter, and limits accumulation of excess nutrients in soils and leaching or discharge of nutrients into state waters; except that for a poultry waste end-user or poultry waste broker who is not subject to the general permit, the requirements of 9VAC25-630-80 constitute the NMP.

"Organic source" means any nutrient source including, but not limited to, manures, biosolids, compost, and waste or sludges from animals, humans, or industrial processes, but for the purposes of this regulation it excludes waste from wildlife.

"Permittee" means the poultry grower, poultry waste end-user, or poultry waste broker whose poultry waste management activities are covered under the general permit.

"Poultry grower" or "grower" means any person who owns or operates a confined poultry feeding operation.

"Poultry waste" means dry poultry litter and composted dead poultry.

"Poultry waste broker" or "broker" means a person who possesses or controls poultry waste that is not generated on an animal feeding operation under his operational control and who transfers or hauls poultry waste to other persons. If the entity is defined as a broker they cannot be defined as a hauler for the purposes of this regulation.

"Poultry waste end-user" or "end-user" means any recipient of transferred poultry waste who stores or who utilizes the waste as fertilizer, fuel, feedstock, livestock feed, or other beneficial end use for an operation under his control.

"Poultry waste hauler" or "hauler" means a person who provides transportation of transferred poultry waste from one entity to another, and is not otherwise involved in the transfer or transaction of the waste, nor responsible for determining the recipient of the waste. The responsibility of the recordkeeping and reporting remains with the entities to which the service was provided: grower, broker, and end-user.

"Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table.

"Standard rate" means a land application rate for poultry waste approved by the board as specified in this regulation.

"Vegetated buffer" means a permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

**9VAC25-630-20. Purpose; delegation of authority; effective date of permit.**

A. This regulation governs the management of poultry waste at confined poultry feeding operations not covered by a Virginia Pollutant Discharge Elimination System (VPDES) permit and poultry waste utilized or stored by poultry waste end-users or poultry waste brokers. It establishes requirements for proper nutrient management, waste storage, and waste tracking and accounting of poultry waste.

B. The Director of the Department of Environmental Quality, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on December 1, ~~2040~~ 2020. This general permit will expire 10 years from the effective date.

**9VAC25-630-25. Duty to comply.**

A. Any person who manages or proposes to manage pollutants regulated by 9VAC25-630 shall comply with the applicable requirements of this chapter.

B. In order to manage pollutants from a confined poultry feeding operation, the poultry grower shall be required to obtain coverage under the Virginia Pollution Abatement (VPA) general permit or an individual VPA permit provided that the poultry grower has not been required to obtain a Virginia Pollutant Discharge Elimination System (VPDES) permit. The poultry grower shall comply with the requirements of this chapter and the permit.

C. Any poultry waste end-user or poultry waste broker shall comply with the technical requirements outlined in 9VAC25-630-60, 9VAC25-630-70, and 9VAC25-630-80. Any poultry waste end-user or poultry waste broker who does not comply with the technical requirements outlined in 9VAC25-630-60, 9VAC25-630-70, and 9VAC25-630-80 may be required to obtain coverage under the general permit.

D. Any poultry waste end-user or poultry waste broker who is required by the board to obtain coverage under the Virginia Pollution Abatement general permit shall obtain coverage and comply with the requirements of this chapter.

E. Any commercial poultry processor shall comply with the requirements outlined in 9VAC25-630-90.

**9VAC25-630-30. Authorization to manage pollutants.**

A. Poultry grower. Any poultry grower governed by this general permit is hereby authorized to manage pollutants at confined poultry feeding operations provided that the poultry grower files the registration statement of 9VAC25-630-40, complies with the requirements of 9VAC25-630-50, and:

1. The poultry grower has not been required to obtain a Virginia Pollutant Discharge Elimination System (VPDES) permit or an individual permit according to 9VAC25-32-260 B;

2. The activities of the confined poultry feeding operation shall not contravene the Water Quality Standards (9VAC25-260), as ~~amended~~ and adopted and amended by the board, or any provision of the State Water Control Law. There shall be no point source discharge of wastewater to surface waters of the state except in the case of a storm event greater than the 25-year, 24-hour storm. Agricultural storm water discharges are permitted. Domestic sewage or industrial waste shall not be managed under this general permit;

3. Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit by a permittee for routine disposal of daily poultry mortalities shall be a violation of this permit. This prohibition shall not apply to the emergency disposal of dead poultry done according to regulations adopted pursuant to § 3.2-6002 or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia;

4. The poultry grower shall obtain Department of Conservation and Recreation approval of a nutrient management plan for the confined poultry feeding operation prior to the submittal of the registration statement. The poultry grower shall attach to the registration statement a copy of the approved nutrient management plan and a copy of the letter from the Department of Conservation and Recreation certifying approval of the nutrient management plan that was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia. The poultry grower shall implement the approved nutrient management plan;

5. Adjoining property notification.

a. Prior to filing a general permit registration statement for a confined poultry feeding operation that proposes construction of poultry growing houses after December 1, 2000, the poultry grower shall give notice to all owners or residents of property that adjoins the property on which the proposed confined poultry feeding operation will be located. Such notice shall include (i) the types and maximum number of poultry which will be maintained at the facility and (ii) the address and phone number of the appropriate department regional office to which comments relevant to the permit may be submitted.

b. Any person may submit written comments on the proposed operation to the department within 30 days of the date of the filing of the registration statement. If, on the basis of such written comments or his review, the director determines that the proposed operation will not be capable of complying with the provisions of the general permit, the director shall require the owner to obtain an individual permit for the operation. Any such determination by the director shall be made in writing and received by the poultry grower not more than 45 days after the filing of the registration statement or, if in the director's sole discretion additional time is necessary to evaluate comments received from the public, not more than 60 days after the filing of the registration statement; and

6. Each poultry grower covered by this general permit shall complete a training program offered or approved by the department within one year of filing the registration statement for general permit coverage. All permitted poultry growers shall complete a training program at least once every five years.

B. Poultry waste end-user, poultry waste broker. Any poultry waste end-user or poultry waste broker shall comply with the requirements outlined in 9VAC25-630-60, 9VAC25-630-70, and 9VAC25-630-80 or the general permit as applicable.

1. Any poultry waste end-user or poultry waste broker who does not comply with the requirements of 9VAC25-630-60, 9VAC25-630-70, and 9VAC25-630-80 may be required to obtain coverage under the general permit.

2. Any poultry waste end-user or poultry waste broker governed by this general permit is hereby authorized to manage pollutants relating to the utilization and storage of poultry waste provided that the poultry waste end-user or poultry waste broker files the registration statement of 9VAC25-630-40, complies with the requirements of 9VAC25-630-50, and:

a. The poultry waste end-user or poultry waste broker has not been required to obtain a Virginia Pollution Abatement individual permit according to subdivision 2 b of 9VAC25-32-260;

b. The activities of the poultry waste end-user or poultry waste broker shall not contravene the Water Quality Standards (9VAC25-260), as ~~amended and adopted~~ and amended by the board, or any provision of the State Water Control Law (§ 62.1-44 et seq. of the Code of Virginia). There shall be no point source discharge of wastewater to surface waters of the state except in the case of a storm event greater than the 25-year, 24-hour storm. Agricultural storm water discharges are permitted. Domestic sewage or industrial waste shall not be managed under this general permit;

c. The poultry waste end-user or poultry waste broker shall obtain Department of Conservation and Recreation approval of a nutrient management plan for land application sites where poultry waste will be utilized or stored and managed prior to the submittal of the registration statement. The poultry waste end-user or the poultry waste broker shall attach to the registration statement a copy of the approved nutrient management plan and a copy of the letter from the Department of Conservation and Recreation certifying approval of the nutrient management plan that was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia. The poultry waste end-user or the poultry waste broker shall implement the approved nutrient management plan; and

d. Each poultry waste end-user or poultry waste broker covered by this general permit shall complete a training program offered or approved by the department within one year of filing the registration statement for general permit coverage. All permitted poultry waste end-users or permitted poultry waste brokers shall complete a training program at least once every five years.

C. Receipt of this general permit does not relieve any poultry grower, poultry waste end-user, or poultry waste broker of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

D. Continuation of permit coverage.

1. Any owner that was authorized to manage pollutants under the general permit issued ~~in 2000~~, and that submits a complete registration statement on or before ~~November 30, 2010~~ the expiration date, is authorized to continue to manage pollutants under the terms of the 2000 general permit until such time as the board either:

a. Issues coverage to the owner under this general permit; or



- b. Notifies the owner that coverage under this permit is denied.
2. When the permittee that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit, the board may choose to do any or all of the following:
- a. Initiate enforcement action based upon the existing or expired general permit;
  - b. Issue a notice of intent to deny coverage under the ~~amended~~ reissued general permit. If the general permit coverage is denied, the owner would then be required to cease the activities authorized by the ~~continued~~ existing or expired general permit or be subject to enforcement action for operating without a permit;
  - c. Issue an individual permit with appropriate conditions; or
  - d. Take other actions set forth in the VPA Permit Regulation (9VAC25-32).

**9VAC25-630-40. Registration statement.**

A. Poultry growers. In order to be covered under the general permit, the poultry grower shall file a complete VPA General Permit Registration Statement. The registration statement shall contain the following information:

- 1. The poultry grower's name, mailing address, email address (~~if available~~), and telephone number;
- 2. The farm name (if applicable) and location of the confined poultry feeding operation;
- 3. The name, email address (~~if available~~), and telephone number of a contact person or operator other than the poultry grower, if necessary;
- 4. The best time of day and day of the week to contact the poultry grower or contact person;
- 5. If the facility has an existing VPA permit, the permit number;
- 6. Indicate whether the poultry are grown under contract with a commercial poultry processor or poultry integrator and give the name of the processor or integrator (if applicable);
- 7. The types of poultry and the maximum numbers of each type to be grown at the facility at any one time;
- 8. Identification of the method of dead bird disposal;
- 9. An indication of whether new poultry growing houses are under construction or planned for construction;
- 10. A copy of the nutrient management plan approved by the Department of Conservation and Recreation;

234 11. A copy of the Department of Conservation and Recreation nutrient management plan  
235 approval letter that also certifies that the plan was developed by a certified nutrient  
236 management planner in accordance with § 10.1-104.2 of the Code of Virginia; and

237 12. The following certification: "I certify that for any confined poultry feeding operation that  
238 proposes construction of new poultry growing houses, notice of the registration statement  
239 has been given to all owners or residents of property that adjoins the property on which  
240 the confined poultry feeding operation will be located. This notice included the types and  
241 numbers of poultry which will be grown at the facility and the address and phone number  
242 of the appropriate Department of Environmental Quality regional office to which comments  
243 relevant to the permit may be submitted. I certify under penalty of law that all the  
244 requirements of the board for the general permit are being met and that this document  
245 and all attachments were prepared under my direction or supervision in accordance with  
246 a system designed to assure that qualified personnel properly gather and evaluate the  
247 information submitted. Based on my inquiry of the person or persons who manage the  
248 system or those persons directly responsible for gathering the information, the information  
249 submitted is to the best of my knowledge and belief true, accurate, and complete. I am  
250 aware that there are significant penalties for submitting false information, including the  
251 possibility of fine and imprisonment for knowing violations."

252 B. Poultry waste end-users or poultry waste brokers. In order to be covered under the general  
253 permit, the poultry waste end-user or poultry waste broker shall file a complete VPA General  
254 Permit Registration Statement. The registration statement shall contain the following information:

- 255 1. The poultry waste end-user's or poultry waste broker's name, mailing address, email  
256 address (~~if available~~), and telephone number;
- 257 2. The location of the operation where the poultry waste will be utilized, stored, or  
258 managed;
- 259 3. The best time of day and day of the week to contact the poultry waste end-user or  
260 poultry waste broker;
- 261 4. If the facility has an existing VPA permit, the permit number;
- 262 5. If confined poultry are located at the facility, indicate the number of confined poultry and  
263 give the name of the processor or integrator (if applicable);
- 264 6. A copy of the nutrient management plan approved by the Department of Conservation  
265 and Recreation;

266 7. A copy of the Department of Conservation and Recreation nutrient management plan  
267 approval letter that also certifies that the plan was developed by a certified nutrient  
268 management planner in accordance with § 10.1-104.2 of the Code of Virginia; and

269 8. The following certification: "I certify under penalty of law that all the requirements of the  
270 board for the general permit are being met and that this document and all attachments  
271 were prepared under my direction or supervision in accordance with a system designed  
272 to assure that qualified personnel properly gather and evaluate the information submitted.  
273 Based on my inquiry of the person or persons who manage the system or those persons  
274 directly responsible for gathering the information, the information submitted is to the best  
275 of my knowledge and belief true, accurate, and complete. I am aware that there are  
276 significant penalties for submitting false information, including the possibility of fine and  
277 imprisonment for knowing violations."

278 C. The registration statement shall be signed in accordance with 9VAC25-32-50.

279 **9VAC25-630-50. Contents of the general permit.**

280 Any poultry grower, poultry waste end-user, or poultry waste broker whose registration  
281 statement is accepted by the board will receive the following general permit and shall comply with  
282 the requirements therein and be subject to the VPA Permit Regulation, 9VAC25-32.

283 General Permit No. VPG2

284 Effective Date: December 1, ~~2010~~ 2020

285 Expiration Date: November 30, ~~2020~~ 2030

286 GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT

287 AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE VIRGINIA POLLUTION  
288 ABATEMENT PROGRAM AND THE VIRGINIA STATE WATER CONTROL LAW

289 In compliance with the provisions of the State Water Control Law and State Water Control  
290 Board regulations adopted pursuant thereto, owners of confined poultry feeding operations having  
291 200 or more animal units, poultry waste end-users, and poultry waste brokers are authorized to  
292 manage pollutants within the boundaries of the Commonwealth of Virginia, except where board  
293 regulations prohibit such activities.

294 The authorized pollutant management activities shall be in accordance with the registration  
295 statement and supporting documents submitted to the Department of Environmental Quality, this  
296 cover page, and Part I—Pollutant Management and Monitoring Requirements for Confined  
297 Poultry Feeding Operations and Part II—Conditions Applicable to All VPA Permits and Part III—  
298 Pollutant Management and Monitoring Requirements for Poultry Waste End-Users and Poultry  
299 Waste Brokers, as set forth herein.

300

## Part I

301

## Pollutant Management and Monitoring Requirements for Confined Poultry Feeding Operations

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## A. Pollutant management authorization and monitoring requirements.

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1. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the location or locations identified in the registration statement and the facility's approved nutrient management plan.

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2. If poultry waste is land applied, it shall be applied at the rates specified in the facility's approved nutrient management plan.

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3. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the facility's approved nutrient management plan.

## SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
pH	NL	SU	1/3 years	Composite *
Phosphorus	NL	ppm or lbs/ac	1/3 years	Composite *
Potash	NL	ppm or lbs/ac	1/3 years	Composite *
Calcium	NL	ppm or lbs/ac	1/3 years	Composite *
Magnesium	NL	ppm or lbs/ac	1/3 years	Composite *

NL = No limit, this is a monitoring requirement only.

SU = Standard Units

\*Specific sampling requirements are found in the facility's approved nutrient management plan.

311

4. Poultry waste shall be monitored as specified below. Additional waste monitoring may be required in the facility's approved nutrient management plan.

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## WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
Total Kjeldahl Nitrogen	NL	*	1/3 years	Composite
Ammonia Nitrogen	NL	*	1/3 years	Composite
Total Phosphorus	NL	*	1/3 years	Composite
Total Potassium	NL	*	1/3 years	Composite

Moisture Content	NL	%	1/3 years	Composite
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NL = No limit, this is a monitoring requirement only.

\*Parameters for waste may be reported as a percent, as lbs/ton or lbs/1000 gallons, or as ppm where appropriate.

5. Analysis of soil and waste shall be according to methods specified in the facility's approved nutrient management plan.

6. All monitoring data required by Part I A shall be maintained on site in accordance with Part II B. Reporting of results to the department is not required; however, the monitoring results shall be made available to department personnel upon request.

**B. Other Site design, storage and operation requirements or special conditions.**

1. The confined poultry feeding operation shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is ice covered, snow covered or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.

2. Poultry waste shall be stored according to the nutrient management plan and in a manner that prevents contact with surface water and ground water. Poultry waste that is stockpiled outside of the growing house for more than 14 days shall be kept in a facility or at a site that provides adequate storage. Adequate storage shall, at a minimum, include the following:

a. Poultry waste shall be covered to protect it from precipitation and wind;

b. Storm water shall not run onto or under the stored poultry waste;

c. A minimum of two feet of separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored poultry waste. All poultry waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot of separation between the seasonal high water table and the impermeable barrier.

~~"Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table.~~

Impermeable barriers must be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural

integrity that has a minimum permeability rating of 0.0014 inches per hour ( $1 \times 10^{-6}$  centimeters per second); and

d. For poultry waste that is not stored under roof, the storage site must be at least:  
(1) 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs; and  
(2) 200 feet from any occupied dwellings not on the permittee's property (unless the occupant of the dwelling signs a waiver of the storage site).

3. Poultry waste storage facilities constructed after December 1, 2000, shall not be located within a 100-year floodplain unless the poultry grower has no land outside the floodplain on which to construct the facility and the facility is constructed so that the poultry waste is stored above the 100-year flood elevation or otherwise protected from floodwaters through the construction of berms or similar best management flood control structures. New, expanded or replacement poultry growing houses that are constructed after December 1, 2000, shall not be located within a 100-year floodplain unless they are part of an existing, ongoing confined poultry feeding operation and are constructed so that the poultry and poultry litter are housed above the 100-year flood elevation or otherwise protected from floodwaters through construction of berms or similar best management flood control structures. For the purposes of determining the 100-year floodplain, a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), a FEMA Letter of Map Amendment (LOMA), or a FEMA Letter of Map Revision (LOMR) shall be used.

~~4. Poultry waste may be transferred from a permitted poultry grower to another person without identifying the fields where such waste will be utilized in the permitted poultry grower's approved nutrient management plan if the following conditions are met:~~

~~a. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall provide that person with:~~

- ~~(1) Grower name, address, and permit number;~~
- ~~(2) A copy of the most recent nutrient analysis of the poultry waste; and~~
- ~~(3) A fact sheet.~~

~~b. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall keep a record of the following:~~

- ~~(1) The recipient name and address;~~
- ~~(2) The amount of poultry waste received by the person;~~
- ~~(3) The date of the transaction;~~
- ~~(4) The nutrient analysis of the waste; and~~

~~(5) The signed waste transfer records form acknowledging the receipt of the following:~~

~~(a) The waste;~~

~~(b) The nutrient analysis of the waste; and~~

~~(c) A fact sheet.~~

~~e. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, and the recipient of the waste is someone other than a broker, the poultry grower shall keep a record of the following:~~

~~(1) The locality in which the recipient intends to utilize the waste (i.e., nearest town or city and zip code); and~~

~~(2) The name of the stream or waterbody if known to the recipient that is nearest to the waste utilization or storage site.~~

~~d. Poultry growers shall maintain the records required by Part I B 4 a, b, and c for at least three years after the transaction and shall make them available to department personnel upon request.~~

~~e. Poultry waste generated by this facility shall not be applied to fields owned by or under the operational control of either the poultry grower or a legal entity in which the poultry grower has an ownership interest unless the fields are included in the facility's approved nutrient management plan.~~

The permittee shall operate and manage the facility so that impervious surfaces such as concrete end pads or load out pads and surrounding areas, and ventilation outlets are kept clean of poultry waste.

~~5. Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit for routine disposal of daily poultry mortalities by a permittee shall be a violation of this permit. This prohibition does not apply to the emergency disposal of dead poultry done according to regulations adopted pursuant to § 3.2-6002 of the Code of Virginia or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.~~

When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance and (ii) controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry

waste shall be removed from the surface below the stockpile when the poultry waste is taken out of storage. Removed waste materials shall be utilized according to the NMP.

C. Poultry waste transfer and utilization requirements.

1. Poultry waste may be transferred from a permitted poultry grower to another person without identifying the fields where such waste will be utilized in the permitted poultry grower's approved nutrient management plan if the following conditions are met:

a. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall provide that person with:

(1) Grower name, address, and permit number;

(2) A copy of the most recent nutrient analysis of the poultry waste; and

(3) A fact sheet.

b. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, the poultry grower shall keep a record of the following:

(1) The recipient name and address;

(2) The amount of poultry waste received by the person;

(3) The date of the transaction;

(4) The nutrient analysis of the waste; and

(5) The signed waste transfer records form acknowledging the receipt of the following:

(a) The waste;

(b) The nutrient analysis of the waste; and

(c) A fact sheet.

c. When a poultry grower transfers to another person more than 10 tons of poultry waste in any 365-day period, and the recipient of the waste is someone other than a broker, the poultry grower shall keep a record of the following:

(1) The locality in which the recipient intends to utilize the waste (i.e., nearest town or city, county and zip code); and

(2) The name of the stream or waterbody if known to the recipient that is nearest to the waste utilization or storage site.

2. Poultry growers shall maintain the records required by Part I C 1 for at least three years after the transaction and shall make them available to department personnel upon request.

3. Transfer records reporting requirements. The grower shall submit the records required by Part I C 1 in accordance with the timing outlined in the subdivisions below.



a. Beginning in the first year after the effective date of this permit, upon request by the department, the grower shall submit the records in a format and method determined by the department.

b. Beginning the second year after the effective date of this permit, the grower shall submit to the department, annually, the records for the preceding state fiscal year (July 1 through June 30) no later than September 15.

4. Poultry waste generated by this facility shall not be applied to fields owned by or under the operational control of either the poultry grower or a legal entity in which the poultry grower has an ownership interest unless the fields are included in the facility's approved nutrient management plan.

~~6-~~ 5. The poultry grower shall implement a nutrient management plan (NMP) developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia and approved by the Department of Conservation and Recreation and maintain the plan on site. The terms of the NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:

a. Site map indicating the location of the waste storage facilities and the fields where waste generated by this facility will be applied by the poultry grower. The location of fields as identified in ~~Part I B 4-e~~ Part I C 4 shall also be included;

b. Site evaluation and assessment of soil types and potential productivities;

c. Nutrient management sampling including soil and waste monitoring;

d. Storage and land area requirements for the grower's poultry waste management activities;

e. Calculation of waste application rates; and

f. Waste application schedules.

~~7. When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance and (ii) controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry waste shall be removed from the surface below the stockpile when the poultry waste is taken out of storage. Removed waste materials shall be utilized according to the NMP.~~

477 8. 6. Nitrogen application rates contained in the NMP shall be established in accordance  
478 with ~~4VAC5-15-150 A 2~~ 4VAC50-85-140 A 2. The application of poultry waste shall be  
479 managed to minimize runoff, leachate, and volatilization losses, and reduce adverse water  
480 quality impacts from nitrogen.

481 9. 7. Phosphorus application rates contained in the NMP shall be established in  
482 accordance with ~~4VAC5-15-150 A 2~~ 4VAC50-85-140 A 2. The application of poultry waste  
483 shall be managed to minimize runoff and leaching and reduce adverse water quality  
484 impacts from phosphorous.

485 10. 8. The timing of land application of poultry waste shall be according to the schedule  
486 contained in the NMP, except that no waste may be applied to ice covered or snow  
487 covered ground or to soils that are saturated. Poultry waste may be applied to frozen  
488 ground within the NMP scheduled times only under the following conditions:

- 489 a. Slopes are not greater than 6.0%;
- 490 b. A minimum of a 200-foot vegetative or adequate crop residue buffer is maintained
- 491 between the application area and all surface water courses;
- 492 c. Only those soils characterized by USDA as "well drained" with good infiltration are
- 493 used; and
- 494 d. At least 60% uniform cover by vegetation or crop residue is present in order to
- 495 reduce surface runoff and the potential for leaching of nutrients to ground water.

496 9. In cases where poultry waste storage is threatened by emergencies such as fire or flood  
497 or where these conditions are imminent, poultry waste can be land applied outside of the  
498 spreading schedule outlined in the grower's NMP. If this occurs, the poultry grower shall  
499 document the land application information in accordance with Part I C 11 and notify the  
500 Department in accordance with Part II H.

501 11. 10. Poultry waste shall not be land applied within buffer zones. Buffer zones at waste  
502 application sites shall, at a minimum, be maintained as follows:

- 503 a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless
- 504 the occupant of the dwelling signs a waiver of the buffer zone);
- 505 b. Distance from water supply wells or springs: 100 feet;
- 506 c. Distance from surface water courses: 100 feet (without a permanent vegetated
- 507 buffer) or 35 feet (if a permanent vegetated buffer exists).

508 Other site-specific conservation practices may be approved by the department that will  
509 provide pollutant reductions equivalent or better than the reductions that would be  
510 achieved by the 100-foot buffer;

- d. Distance from rock outcropping (except limestone): 25 feet;  
e. Distance from limestone outcroppings: 50 feet; and  
f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

~~42-~~ 11. The following records shall be maintained:

- a. The identification of the land application field sites where the waste is utilized or stored;  
b. The application rate;  
c. The application dates; and  
d. What crops have been planted.

These records shall be maintained on site for a period of three years after recorded application is made and shall be made available to department personnel upon request.

D. Other special conditions.

~~43-~~ 1. Each poultry grower covered by this general permit shall complete a training program offered or approved by the department within one year of filing the registration statement for general permit coverage. All permitted poultry growers shall complete a training program at least once every five years.

2. Confined poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit for routine disposal of daily poultry mortalities by a permittee shall be a violation of this permit. This prohibition does not apply to the emergency disposal of dead poultry done according to regulations adopted pursuant to § 3.2-6002 of the Code of Virginia or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.

Part II

Conditions Applicable to all VPA Permits

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.  
2. Monitoring shall be conducted according to procedures listed under 40 CFR Part 136 unless ~~other procedures have been~~ otherwise specified in this permit.  
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

- 545 1. Records of monitoring information shall include:
- 546 a. The date, exact place, and time of sampling or measurements;
- 547 b. The name of the individual(s) who performed the sampling or measurements;
- 548 c. The date(s) analyses were performed;
- 549 d. The name of the individual(s) who performed the analyses;
- 550 e. The analytical techniques or methods used, with supporting information such as
- 551 observations, readings, calculations and bench data; and
- 552 f. The results of such analyses.
- 553 2. The permittee shall retain records of all monitoring information, including all calibration
- 554 and maintenance records and all original strip chart recordings for continuous monitoring
- 555 instrumentation, copies of all reports required by this permit, and records of all data used
- 556 to complete the application for this permit for a period of at least three years from the date
- 557 of the sample, measurement, report or application. This period of retention may be
- 558 extended by request of the board at any time.
- 559 C. Reporting monitoring results. If reporting is required by Part I or Part III of this general
- 560 permit, the permittee shall follow the requirements of this subsection.
- 561 1. The permittee shall submit the results of the monitoring required by this permit not later
- 562 than the 10th day of the month after the monitoring takes place, unless another reporting
- 563 schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the
- 564 department's regional office.
- 565 2. Monitoring results shall be reported on forms provided or specified by the department.
- 566 3. If the permittee monitors the pollutant management activity, at a sampling location
- 567 specified in this permit, for any pollutant more frequently than required by the permit using
- 568 approved analytical methods, the permittee shall report the results of this monitoring on
- 569 the monitoring report.
- 570 4. If the permittee monitors the pollutant management activity, at a sampling location
- 571 specified in this permit, for any pollutant that is not required to be monitored by the permit,
- 572 and uses approved analytical methods, the permittee shall report the results with the
- 573 monitoring report.
- 574 5. Calculations for all limitations that require averaging of measurements shall utilize an
- 575 arithmetic mean unless otherwise specified in this permit.
- 576 D. Duty to provide information. The permittee shall furnish to the department, within a
- 577 reasonable time, any information which the director may request to determine whether cause
- 578 exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance

with this permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by the permittee. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as requested by the director prior to commencing construction.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit, or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows (i) a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F or (ii) a discharge that may reasonably be expected to enter state waters in violation of Part II F shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse ~~affects~~ effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part II I 1 or 2 in writing at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II F, G and H may be made to the department's regional office. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services Management maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the design or operation of the pollutant management activity.

2. The permittee shall give at least 10 days advance notice to the department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Applications. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Part II K 1 or 2 shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this general permit and 9VAC25-630. Any noncompliance with the general permit or 9VAC25-630 constitutes a violation of the State Water Control Law. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the State Water Control Law.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 30 days before the expiration date of the existing permit unless permission for a later date has been granted by the board. The board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.



N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the federal Clean Water Act. Except as provided in permit conditions on bypassing (Part II U), and upset (Part II V), nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall be responsible for the proper operation and maintenance of all treatment works, systems and controls which are installed or used to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any pollutant management activity in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### U. Bypass.

1. Prohibition. "Bypass" means intentional diversion of waste streams from any portion of a treatment works. A bypass of the treatment works is prohibited except as provided herein.

2. Anticipated bypass. If the permittee knows in advance of the need for a bypass, he shall notify the department promptly at least 10 days prior to the bypass. After considering its adverse effects, the board may approve an anticipated bypass if:

a. The bypass will be unavoidable to prevent loss of human life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not mean economic loss caused by delays in production; and

b. There are no feasible alternatives to bypass such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. However, if bypass occurs during normal periods of equipment downtime or preventive maintenance and in the exercise of reasonable engineering judgment the permittee could have installed adequate backup equipment to prevent such bypass, this exclusion shall not apply as a defense.

3. Unplanned bypass. If an unplanned bypass occurs, the permittee shall notify the department as soon as possible, but in no case later than 24 hours, and shall take steps to halt the bypass as early as possible. This notification will be a condition for defense to an enforcement action that an unplanned bypass met the conditions in paragraphs U 2 a and b and in light of the information reasonably available to the permittee at the time of the bypass.

V. Upset. A permittee may claim an upset as an affirmative defense to an action brought for noncompliance. In any enforcement proceedings a permittee shall have the burden of proof to establish the occurrence of any upset. In order to establish an affirmative defense of upset, the permittee shall present properly signed, contemporaneous operating logs or other relevant evidence that shows:

1. That an upset occurred and that the cause can be identified;
2. That the permitted facility was at the time being operated efficiently and in compliance with proper operation and maintenance procedures;
3. That the 24-hour reporting requirements to the department were met; and
4. That the permittee took all reasonable steps to minimize or correct any adverse impact on state waters resulting from noncompliance with the permit.

W. Inspection and entry. Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any ~~permittee's public or private~~ property, ~~public or private on which the pollutant management activities that are governed by this permit are located~~ and have access to records required by this permit;

2. Have access to, inspect and copy any records that must be kept as part of permit conditions;
3. Inspect any facility's equipment (including monitoring and control equipment) practices or operations regulated or required under the permit; and
4. Sample or monitor any substances or parameters at any locations for the purpose of assuring permit compliance or as otherwise authorized by the State Water Control Law.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is involved in managing pollutants. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions. Permits may be modified, revoked and reissued, or terminated for cause upon the request of the permittee or interested persons, or upon the board's initiative. If a permittee files a request for a permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VPA permit.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. The board may require modification or revocation and reissuance of the permit to change the name of the permittee and to incorporate such other requirements as may be necessary. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified to reflect the transfer or has been revoked and reissued to the new owner or operator.

2. As an alternative to transfers under Part II Y 1, this permit shall be automatically transferred to a new permittee if:

- a. The current permittee notifies the department within 30 days of the transfer of the title to the facility or property;
- b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The board does not, within the 30-day time period, notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If the board notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability. The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

### Part III

#### Pollutant Management and Monitoring Requirements for Poultry Waste End-Users and Poultry Brokers

##### A. Pollutant management authorization and monitoring requirements.

1. During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the location or locations identified in the registration statement and the permittee's approved nutrient management plan.

2. If poultry waste is land applied on land under the permittee's operational control, it shall be applied at the rates specified in the permittee's approved nutrient management plan.

3. Soil at the land application sites shall be monitored as specified below. Additional soils monitoring may be required in the permittee's approved nutrient management plan.

#### SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type
pH	NL	SU	1/3 years	Composite *
Phosphorus	NL	ppm or lbs/ac	1/3 years	Composite *
Potash	NL	ppm or lbs/ac	1/3 years	Composite *
Calcium	NL	ppm or lbs/ac	1/3 years	Composite *
Magnesium	NL	ppm or lbs/ac	1/3 years	Composite *

NL = No limit, this is a monitoring requirement only.

SU = Standard Units

\*Specific sampling requirements are outlined in the permittee's approved nutrient management plan.

4. Poultry waste shall be monitored as specified below. Additional waste monitoring may be required in the permittee's approved nutrient management plan.

#### WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			Frequency	Sample Type

Total Kjeldahl Nitrogen	NL	*	1/3 years	Composite
Ammonia Nitrogen	NL	*	1/3 years	Composite
Total Phosphorus	NL	*	1/3 years	Composite
Total Potassium	NL	*	1/3 years	Composite
Moisture Content	NL	%	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

\*Parameters for waste may be reported as a percent, as lbs/ton or lbs/1000 gallons, or as ppm where appropriate.

5. If waste from two or more poultry waste sources is commingled or stored then a sample that best represents the waste shall be used to calculate the nutrients available in the poultry waste for land application and shall be provided to the end-user of the waste.

6. Analysis of soil and waste shall be according to methods specified in the permittee's approved nutrient management plan.

7. All monitoring data required by Part III A shall be maintained on site in accordance with Part II B. Reporting of results to the department is not required; however, the monitoring results shall be made available to department personnel upon request.

B. ~~Other~~ Site design, storage and operation requirements ~~or special conditions.~~

1. Poultry waste storage facilities shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is ice covered, snow covered or saturated, periods when land application of nutrients should not occur due to limited or nonexistent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.

2. Poultry waste shall be stored according to the approved nutrient management plan and in a manner that prevents contact with surface water and ground water. Poultry waste that is stockpiled outside for more than 14 days shall be kept in a facility or at a site that provides adequate storage. Adequate storage shall, at a minimum, include the following:

- a. Poultry waste shall be covered to protect it from precipitation and wind;
- b. Storm water shall not run onto or under the stored poultry waste;
- c. A minimum of two feet of separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored poultry waste. All poultry waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot

~~of separation between the seasonal high water table and the impermeable barrier. "Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray, or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table. Impermeable barriers must be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that has a minimum permeability rating of 0.0014 inches per hour (1X10<sup>-6</sup> centimeters per second); and~~

d. For poultry waste that is not stored under roof, the storage site must be at least:  
(1) 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs; and

(2) 200 feet from any occupied dwellings not on the permittee's property (unless the occupant of the dwelling signs a waiver of the storage site).

3. Poultry waste storage facilities constructed after December 1, 2000, shall not be located within a 100-year floodplain unless there is no land available outside the floodplain on which to construct the facility and the facility is constructed so that the poultry waste is stored above the 100-year flood elevation or otherwise protected from floodwaters through the construction of berms or similar best management flood control structures. For the purposes of determining the 100-year floodplain, a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), a FEMA Letter of Map Amendment (LOMA), or a FEMA Letter of Map Revision (LOMR) shall be used.

4. The permittee shall operate and manage the facility so that impervious surfaces such as concrete end pads or load out pads and surrounding areas, and ventilation outlets are kept clean of poultry waste.

5. When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance and (ii) controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water, or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry waste shall be removed from the surface below the stockpile when the

poultry waste is taken out of storage. Removed waste materials shall be utilized according to the NMP.

C. Poultry waste transfer and utilization requirements.

4. 1. When a poultry waste end-user or poultry waste broker receives, possesses, or has control over more than 10 tons of transferred poultry waste in any 365-day period, he shall provide the person from whom he received the poultry waste with:

- a. The end-user or broker name, address, and permit number;
- b. If the recipient of the poultry waste is an end-user, then he shall also provide the person from whom he received the poultry waste the following information:
  - (1) The locality in which the recipient intends to utilize the waste (i.e., nearest town or city, county and zip code);
  - (2) The name of the stream or waterbody if known to the recipient that is nearest to the waste utilization or storage site; and
- c. Written acknowledgement of receipt of:
  - (1) The waste;
  - (2) The nutrient analysis of the waste; and
  - (3) The fact sheet.

If the person receiving the waste is a poultry waste broker, then he shall also certify in writing that he will provide a copy of the nutrient analysis and fact sheet to each end user to whom he transfers poultry waste.

5. 2. When a poultry waste broker transfers or hauls poultry waste to other persons, he shall provide the person who received the poultry waste with:

- a. Broker name, address, and permit number;
- b. The nutrient analysis of the waste; and
- c. A fact sheet.

6. 3. When a poultry waste end-user or poultry waste broker is a recipient of more than 10 tons of transferred poultry waste in any 365-day period, the poultry waste end-user or poultry waste broker shall keep a record regarding the transferred poultry waste:

- a. The following items shall be recorded regarding the source of the transferred poultry waste:
  - (1) The source name and address;
  - (2) The amount of poultry waste received from the source; and
  - (3) The date the poultry waste was acquired.

- b. The following items shall be recorded regarding the recipient of the transferred poultry waste:
- (1) The recipient name and address;
  - (2) The amount of poultry waste received by the person;
  - (3) The date of the transaction;
  - (4) The nutrient content of the waste;
  - (5) The locality in which the recipient intends to utilize the waste (i.e., nearest town or city, county and zip code);
  - (6) The name of the stream or waterbody if known to the recipient that is nearest to the waste utilization or storage site; and
  - (7) The signed waste transfer records form acknowledging the receipt of the following:
    - (a) The waste;
    - (b) The nutrient analysis of the waste; and
    - (c) A fact sheet.
7. ~~4.~~ End-users or brokers shall maintain the records required by ~~Part III B-6~~ Part III C 3 for at least three years after the transaction and make them available to department personnel upon request.
5. Transfer records reporting requirements. The end-users and brokers shall submit the records required by Part III C 3 in accordance with the timing outlined in the subdivisions below.
- a. Beginning in the first year after the effective date of this permit, upon request by the department, the end-users and brokers shall submit the records in a format and method determined by the department.
  - b. Beginning the second year after the effective date of this permit, the end-users and brokers shall submit to the department, annually, the records for the preceding state fiscal year (July 1 through June 30) no later than September 15.
- ~~8.~~ 6. If poultry waste is also generated by this facility it shall not be applied to fields owned by or under the operational control of either the permittee or a legal entity in which the permittee has an ownership interest unless the fields are included in the permittee's approved nutrient management plan.
- ~~9. Poultry feeding operations that use disposal pits for routine disposal of daily mortalities shall not be covered under this general permit. The use of a disposal pit for routine disposal of daily poultry mortalities by a permittee shall be a violation of this permit. This prohibition does not apply to the emergency disposal of dead poultry done according to~~



~~regulations adopted pursuant to § 3.2-6002 of the Code of Virginia or Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.~~

~~10. 7.~~ The permittee shall implement a nutrient management plan (NMP) developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia and approved by the Department of Conservation and Recreation and maintain the plan on site. The terms of the NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:

- a. Site map indicating the location of the waste storage facilities and the fields where waste will be applied by the permittee. The location of fields as identified in ~~Part III B~~ § Part III C 6 shall also be included;
- b. Site evaluation and assessment of soil types and potential productivities;
- c. Nutrient management sampling including soil and waste monitoring;
- d. Storage and land area requirements for the permittee's poultry waste management activities;
- e. Calculation of waste application rates; and
- f. Waste application schedules.

~~11. When the poultry waste storage facility is no longer needed, the permittee shall close it in a manner that: (i) minimizes the need for further maintenance and (ii) controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the postclosure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water, or the atmosphere. At closure, the permittee shall remove all poultry waste residue from the waste storage facility. At waste storage facilities without permanent covers and impermeable ground barriers, all residual poultry waste shall be removed from the surface below the stockpile when the poultry waste is taken out of storage. Removed waste materials shall be utilized according to the NMP.~~

~~12. 8.~~ Nitrogen application rates contained in the NMP shall be established in accordance with ~~4VAC5-15-150 A 2~~ 4VAC50-85-140 A 2. The application of poultry waste shall be managed to minimize runoff, leachate, and volatilization losses, and reduce adverse water quality impacts from nitrogen.

~~13. 9.~~ Phosphorus application rates contained in the NMP shall be established in accordance with ~~4VAC5-15-150 A 2~~ 4VAC50-85-140 A 2. The application of poultry waste shall be managed to minimize runoff and leaching and reduce adverse water quality impacts from phosphorous.

44. 10. The timing of land application of poultry waste shall be according to the schedule contained in the NMP, except that no waste may be applied to ice covered or snow covered ground or to soils that are saturated. Poultry waste may be applied to frozen ground within the NMP scheduled times only under the following conditions:

- a. Slopes are not greater than 6.0%;
- b. A minimum of a 200-foot vegetative or adequate crop residue buffer is maintained between the application area and all surface water courses;
- c. Only those soils characterized by USDA as "well drained" with good infiltration are used; and
- d. At least 60% uniform cover by vegetation or crop residue is present in order to reduce surface runoff and the potential for leaching of nutrients to ground water.

11. In cases where poultry waste storage is threatened by emergencies such as fire or flood or where these conditions are imminent, poultry waste can be land applied outside of the spreading schedule outlined in the permittee's NMP. If this occurs, the permittee shall document the land application information in accordance with Part III C 13 and notify the Department in accordance with Part II H.

45. 12. Poultry waste shall not be land applied within buffer zones. Buffer zones at waste application sites shall, at a minimum, be maintained as follows:

- a. Distance from occupied dwellings not on the permittee's property: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);
- b. Distance from water supply wells or springs: 100 feet;
- c. Distance from surface water courses: 100 feet (without a permanent vegetated buffer) or 35 feet (if a permanent vegetated buffer exists). Other site-specific conservation practices may be approved by the department that will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot buffer;
- d. Distance from rock outcropping (except limestone): 25 feet;
- e. Distance from limestone outcroppings: 50 feet; and
- f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

46. 13. The following records shall be maintained:

- a. The identification of the land application field sites where the waste is utilized or stored;
- b. The application rate;

- 1023 c. The application dates; and  
1024 d. What crops have been planted.

1025 These records shall be maintained on site for a period of three years after recorded  
1026 application is made and shall be made available to department personnel upon request.

1027 D. Other special conditions.

1028 47-1. Each poultry waste end-user or poultry waste broker covered by this general permit  
1029 shall complete a training program offered or approved by the department within one year  
1030 of filing the registration statement for general permit coverage. All permitted poultry waste  
1031 end-users or permitted poultry waste brokers shall complete a training program at least  
1032 once every five years.

1033 2. Poultry feeding operations that use disposal pits for routine disposal of daily mortalities  
1034 shall not be covered under this general permit. The use of a disposal pit for routine  
1035 disposal of daily poultry mortalities by a permittee shall be a violation of this permit. This  
1036 prohibition does not apply to the emergency disposal of dead poultry done according to  
1037 regulations adopted pursuant to § 3.2-6002 of the Code of Virginia or Chapter 14 (§ 10.1-  
1038 1400 et seq.) of Title 10.1 of the Code of Virginia.

1039 **9VAC25-630-60. Tracking and accounting requirements for poultry waste brokers.**

1040 A. Poultry waste brokers shall register with the department by providing their name and  
1041 address on a form ~~approved~~ provided by the department prior to transferring poultry waste.

1042 B. When a poultry waste broker transfers to another person more than 10 tons of poultry waste  
1043 in any 365-day period, the poultry waste broker shall provide information regarding the transfer of  
1044 poultry waste to both the source and recipient of the waste.

1045 1. The broker name and address shall be provided to the source of the transferred poultry  
1046 waste:

1047 2. The following items shall be provided to the recipient of the transferred poultry waste:

- 1048 a. The broker name and address;  
1049 b. The most recent nutrient analysis of the poultry waste; and  
1050 c. A fact sheet.

1051 C. When a poultry waste broker transfers to another person more than 10 tons of poultry waste  
1052 in any 365-day period, the poultry waste broker shall keep records regarding the transferred  
1053 poultry waste.

1054 1. The following items shall be recorded regarding the source of the transferred poultry  
1055 waste:

- 1056 a. The source name and address;

- b. The amount of the poultry waste received from the source; and
- c. The date the poultry waste was acquired.
2. The following items shall be recorded regarding the recipient of the transferred poultry waste:
- a. The recipient name and address;
  - b. The amount of poultry waste received by the person;
  - c. The date of the transaction;
  - d. The nutrient content of the waste;
  - e. The locality in which the recipient intends to utilize the waste (i.e., nearest town or city, county and zip code);
  - f. The name of the stream ~~of~~ or waterbody if known to the recipient that is nearest to the waste utilization or storage site; and
  - g. The signed waste transfer records form acknowledging the receipt of the following:
    - (1) The waste;
    - (2) The nutrient analysis of the waste; and
    - (3) A fact sheet.

D. Poultry waste brokers shall submit ~~copies of~~ the records required by subsection C of this section, to the department annually ~~using a form approved~~ in a format and method determined by the department. Records for the preceding ~~calendar~~ state fiscal year (July 1 through June 30) shall be submitted to the department ~~not no~~ later than ~~February 15~~ September 15. Poultry waste brokers shall maintain the records required by subsection C and E of this section for at least three years and make them available to department personnel upon request.

E. If waste from two or more poultry waste sources is commingled or stored then a sample that best represents the waste shall be used to calculate the nutrients available in the poultry waste for land application and shall be provided to the end-user of the waste. The original sources of the waste shall also be recorded and provided to the Department with the annual transfer records submittal.

F. If the poultry waste broker land applies the poultry waste for the end-user then the broker shall provide the end-user with the records regarding land application as required by 9VAC25-630-70.

G. Poultry waste brokers shall complete a training program offered or approved by the department within one year of registering with the department. Poultry waste brokers shall complete a training program at least once every five years.

H. Any duly authorized agent of the board may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this regulation.

**9VAC25-630-70. Tracking and accounting requirements for poultry waste end-users.**

A. When a poultry waste end-user is the recipient of more than 10 tons of poultry waste in any 365-day period, the end-user shall maintain records regarding the transfer and land application of poultry waste.

1. The poultry waste end-user shall provide the permitted poultry grower or poultry waste broker with the following items:

- a. End-user name and address;
- b. The locality in which the end-user intends to utilize the waste (i.e., nearest town or city, county and zip code);
- c. The name of the stream or waterbody if known to the end-user that is nearest to the waste utilization or storage site; and
- d. Written acknowledgement of receipt of:
  - (1) The waste;
  - (2) The nutrient analysis of the waste; and
  - (3) A fact sheet.

2. The poultry waste end-user shall record the following items regarding the waste transfer:

- a. The source name, address, and permit number (if applicable);
- b. The amount of poultry waste that was received;
- c. The date of the transaction;
- d. The final use of the poultry waste;
- e. The locality in which the waste was utilized (i.e., nearest town or city, county and zip code); and
- f. The name of the stream or waterbody if known to the recipient that is nearest to the waste utilization or storage site.

~~Records regarding poultry waste transfers~~ End-users shall ~~be maintained~~ maintain the records required by A1 and A2 on site for a period of three years after the transaction. All records shall be made available to department personnel upon request.

3. If waste is land applied, the poultry waste end-user shall keep a record of the following items regarding the land application of the waste:

1124 a. The nutrient analysis of the waste;  
 1125 b. Maps indicating the poultry waste land application fields and storage sites;  
 1126 c. The land application rate;  
 1127 d. The land application dates;  
 1128 e. What crops were planted;  
 1129 f. Soil test results, if obtained;  
 1130 g. NMP, if applicable; and  
 1131 h. The method used to determine the land application rates (i.e., phosphorus crop  
 1132 removal, standard rate, soil test recommendations, or a nutrient management plan).  
 1133 ~~Records regarding land application of poultry waste~~ End-users shall be maintained  
 1134 maintain the records required by A3 on site for a period of three years after the recorded  
 1135 application is made. All records shall be made available to department personnel upon  
 1136 request.  
 1137 4. Reporting requirements. End-users shall submit the records required by A1, A2 and A3  
 1138 in accordance with the timing outlined in the subdivisions below.  
 1139 a. Beginning in the first year and continuing through the second year after the effective  
 1140 date of this regulation, upon request by the department, the end-user shall submit the  
 1141 records in a format and method determined by the department; and  
 1142 b. Beginning in the third year after the effective date of this regulation, the end-user  
 1143 shall submit to the department, annually, the records for the preceding state fiscal year  
 1144 (July 1 through June 30) no later than September 15.  
 1145 B. Any duly authorized agent of the board may, at reasonable times and under reasonable  
 1146 circumstances, enter any establishment or upon any property, public or private, for the purpose  
 1147 of obtaining information or conducting surveys or investigations necessary in the enforcement of  
 1148 the provisions of this regulation.  
 1149 **9VAC25-630-80. Utilization and storage requirements for transferred poultry waste.**  
 1150 A. Any poultry waste end-user or poultry waste broker who receives poultry waste shall comply  
 1151 with the requirements outlined in the following sections.  
 1152 B. Storage requirements. Any poultry waste end-user or poultry waste broker who receives  
 1153 poultry waste shall comply with the requirements outlined in this section regarding storage of  
 1154 poultry waste in their possession or under their control.  
 1155 1. Poultry waste shall be stored in a manner that prevents contact with surface water and  
 1156 ground water. Poultry waste that is stockpiled outside for more than 14 days shall be kept

in a facility or at a site that provides adequate storage. Adequate storage shall, at a minimum, include the following:

a. Poultry waste shall be covered to protect it from precipitation and wind;

b. Storm water shall not run onto or under the stored poultry waste;

c. A minimum of two feet of separation distance to the seasonal high water table or an impermeable barrier shall be used under the stored poultry waste. All poultry waste storage facilities that use an impermeable barrier shall maintain a minimum of one foot of separation between the seasonal high water table and the impermeable barrier.

~~"Seasonal high water table" means that portion of the soil profile where a color change has occurred in the soil as a result of saturated soil conditions or where soil concretions have formed. Typical colors are gray mottlings, solid gray, or black. The depth in the soil at which these conditions first occur is termed the seasonal high water table.~~

Impermeable barriers shall be constructed of at least 12 inches of compacted clay, at least four inches of reinforced concrete, or another material of similar structural integrity that has a minimum permeability rating of 0.0014 inches per hour ( $1 \times 10^{-6}$  centimeters per second); and

d. For poultry waste that is not stored under roof, the storage site must be at least:

(1) 100 feet from any surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs; and

(2) 200 feet from any occupied dwellings not on the end-user's or broker's property (unless the occupant of the dwelling signs a waiver of the storage site).

2. Poultry waste storage facilities constructed after December 1, 2000, shall not be located within a 100-year floodplain unless there is no land available outside the floodplain on which to construct the facility and the facility is constructed so that the poultry waste is stored above the 100-year flood elevation or otherwise protected from floodwaters through the construction of berms or similar best management flood control structures. For the purposes of determining the 100-year floodplain, a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), a FEMA Letter of Map Amendment (LOMA), or a FEMA Letter of Map Revision (LOMR) shall be used.

C. Land application requirements. Any poultry waste end-user or poultry waste broker who (i) receives ~~five~~ ten or more tons of poultry waste in any 365-day period and (ii) land applies poultry waste shall follow appropriate land application requirements as outlined in this section. The application of poultry waste shall be managed to minimize adverse water quality impacts.

1. The maximum application rates can be established by the following methods:

- 1191 a. Phosphorus crop removal application rates can be used when:
- 1192 (1) Soil test phosphorus levels do not exceed the values listed in the table below:

Region	Soil test P (ppm) VPI & SU Soil test (Mehlich I) *
Eastern Shore and Lower Coastal Plain	135
Middle and Upper Coastal Plain and Piedmont	136
Ridge and Valley	162
* If results are from another laboratory the Department of Conservation and Recreation approved conversion factors must be used.	

- 1193 (2) The phosphorus crop removal application rates are set forth by regulations
- 1194 promulgated by the Department of Conservation and Recreation in accordance with
- 1195 § 10.1-104.2 of the Code of Virginia.
- 1196 b. Poultry waste may be applied to any crop at the standard rate of 1.5 tons per acre
- 1197 once every three years when:
- 1198 (1) In the absence of current soil sample analyses and recommendations; and
- 1199 (2) Nutrients have not been supplied by an organic source, other than pastured
- 1200 animals, to the proposed land application sites within the previous three years of the
- 1201 proposed land application date of poultry waste.
- 1202 c. Soil test recommendations can be used when:
- 1203 (1) Accompanied by analysis results for soil tests that have been obtained from the
- 1204 proposed field or fields in the last three years;
- 1205 (2) The analytical results are from procedures in accordance with ~~4VAC5-15-150 A 2~~
- 1206 § 4VAC50-85-140 A 2 f; and
- 1207 (3) Nutrients from the waste application do not exceed the nitrogen or phosphorus
- 1208 recommendations for the proposed crop or double crops. The recommendations shall
- 1209 be in accordance with ~~4VAC5-15-150 A 2 a~~ 4VAC50-85-140 A 2 a.
- 1210 d. A nutrient management plan developed by a certified nutrient management planner
- 1211 in accordance with § 10.1-104.2 of the Code of Virginia.
- 1212 2. The timing of land application of poultry waste shall be appropriate for the crop, and in
- 1213 accordance with ~~4VAC5-15-150 A 4~~ 4VAC50-85-140 A 4, except that no waste may be
- 1214 applied to ice covered or snow covered ground or to soils that are saturated. Poultry waste
- 1215 may be applied to frozen ground under the following conditions:
- 1216 a. Slopes are not greater than 6.0%;



- b. A minimum of a 200-foot vegetative or adequate crop residue buffer is maintained between the application area and all surface water courses;
- c. Only those soils characterized by USDA as "well drained" with good infiltration are used; and
- d. At least 60% uniform cover by vegetation or crop residue is present in order to reduce surface runoff and the potential for leaching of nutrients to ground water.
3. Poultry waste shall not be land applied within buffer zones. Buffer zones at waste application sites shall, at a minimum, be maintained as follows:
- a. Distance from occupied dwellings: 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone);
- b. Distance from water supply wells or springs: 100 feet;
- c. Distance from surface water courses: 100 feet (without a permanent vegetated buffer) or 35 feet (if a permanent vegetated buffer exists). Other site-specific conservation practices may be approved by the department that will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot buffer;
- d. Distance from rock outcropping (except limestone): 25 feet;
- e. Distance from limestone outcroppings: 50 feet; and
- f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.
4. In cases where poultry waste storage is threatened by emergencies such as fire or flood or where these conditions are imminent, poultry waste can be land applied outside of the spreading schedule outlined in the Fact Sheet. If this occurs, the end-user or broker shall document the land application information in accordance with 9VAC25-630-70 A 3.
- D. Poultry waste end-users and poultry waste brokers shall maintain the records demonstrating compliance with the requirements of subsections B and C for at least three years and make them available to department personnel upon request.
- E. The activities of the poultry waste end-user or poultry waste broker shall not contravene the Water Quality Standards (9VAC25-260), as amended and adopted and amended by the board, or any provision of the State Water Control Law (§ 62.1-44 et seq. of the Code of Virginia).
- F. Any duly authorized agent of the board may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this regulation.

**9VAC25-630-90. Commercial poultry processor activities.**

A. Any commercial poultry processor who contracts with a poultry grower shall comply with the requirements outlined in the following sections.

B. For the purpose of this section, the commercial poultry processor's hired staff, contract or company employed haulers, poultry catching crews, and feed truck operators are also considered the commercial poultry processor.

C. A commercial poultry processor who conducts typical farming activities on the contract poultry grower's farm shall be responsible for cleaning up after such farming activities.

1. Typical farming activities include the following:

a. Releasing poultry into the poultry growing houses;

b. Catching poultry for transport; and

c. Filling feed bins.

2. Typical farming activities do not include the routine washing of trucks owned, operated or contracted by the commercial poultry processor.

3. The introduction of water into the process of the typical farming activities is prohibited, except in the following cases:

a. When used for cooling the birds during the releasing and catching process; and

b. When there is a disease outbreak or poultry health risk which requires clean up and disinfection of the vehicles and catching equipment prior to entering and leaving the farm.

When water is introduced into the process, it should be done in a manner that does not produce process wastewater.

D. The commercial poultry processor shall clean up and properly dispose of, in a prompt and efficient manner, any of the following materials that have been deposited or released by the commercial poultry processor:

1. Poultry waste,

2. Feed, and

3. Hydraulic fluids, fuels and oils used in machinery.

E. Farming activities such as those listed in subsection C of this section shall be conducted on impervious surfaces, where available, to facilitate the cleanup efforts.

F. The commercial poultry processor shall submit an operation and maintenance manual that outlines proper procedures to be used by the commercial poultry processor while commencing with typical farming activities, as listed in subsection C of this section, on the contract grower's farm.

1. The manual shall at a minimum cover the following items:

a. The processor's procedures to carry out the typical farming activities.

b. Proper clean up and disposal of materials deposited or released during such activities, and

c. Any additional information to ensure compliance with this section or determined to be relevant by the Department.

2. The manual shall be submitted to the Department for approval within 60 days of the effective date of this section.

3. Subsequent revisions to the manual shall be submitted to the Department for approval 30 days prior to making changes to the procedures outlined in the manual.

4. An individual commercial poultry processor may submit one manual to cover multiple processing plants or complexes, where all procedures used are identical.

G. The activities of the commercial poultry processor shall not contravene the Water Quality Standards (9VAC25-260), as adopted and amended by the board, or any provision of the State Water Control Law.

H. Any duly authorized agent of the board may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this regulation.

FORMS (9VAC25-630)

~~Virginia DEQ Registration Statement for VPA General Permit for Poultry Waste Management for Poultry Growers, RS VPG2 (rev. 07/10)~~

Virginia DEQ Registration Statement for VPA General Permit for Poultry Waste Management for Poultry Growers, RS VPG2 (eff. 12/20)

~~Virginia DEQ Registration Statement for VPA General Permit for Poultry Waste Management for Poultry Waste End-Users and Poultry Waste Brokers, RS End Users/Brokers VPG2 (rev. 07/10)~~

Virginia DEQ Registration Statement for VPA General Permit for Poultry Waste Management for Poultry Waste End-Users and Poultry Waste Brokers, RS End Users/Brokers VPG2 (eff. 12/20)

~~Fact Sheet, Requirements for Poultry Litter Use and Storage (rev. 12/10)~~

Fact Sheet, Requirements for Poultry Litter Use and Storage (eff. 12/20)

**VIRGINIA DEQ REGISTRATION STATEMENT FOR VPA GENERAL PERMIT  
FOR POULTRY WASTE MANAGEMENT FOR POULTRY GROWERS**

PLEASE TYPE OR PRINT ALL INFORMATION ALL PARTS OF THIS FORM MUST BE COMPLETED

For DEQ Use Only:

Accepted: Yes ☐ No ☐

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

**1.  
Poultry  
Grower  
Informatio  
n**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street

City

State

Zip

Business Phone

Mobile Phone

Home Phone

E-Mail Address: \_\_\_\_\_

The best day of the week & time to contact the poultry grower: \_\_\_\_\_ ☐ AM  
Date Time ☐ PM

**2.  
Operator  
or Contact  
Person  
Informatio  
n**

Name: \_\_\_\_\_

Business Phone

Mobile Phone

Home Phone

E-Mail Address: \_\_\_\_\_

The best day of the week & time to contact the operator or contact person: \_\_\_\_\_ ☐ AM  
Date Time ☐ PM

**3.  
Farm or  
Facility  
Informatio  
n**

Farm Name: \_\_\_\_\_

Location: \_\_\_\_\_

Is this a contract operation? YES \_\_\_\_ NO \_\_\_\_ Commercial poultry processor/ Integrator: \_\_\_\_\_

Does the facility have an existing VPA permit? YES \_\_\_\_ NO \_\_\_\_ Permit Number: \_\_\_\_\_

Are new poultry growing houses under construction or planned for construction? YES \_\_\_\_ NO \_\_\_\_

Types of poultry and the maximum numbers of each type that will be grown at the facility at any one time:

Poultry Type

Maximum Number

_____	_____
_____	_____
_____	_____

Identify the method of dead bird disposal: \_\_\_\_\_

4. **Attachments:** the following items must accompany this completed Registration Statement: (see instructions)
- a copy of the nutrient management plan approved by the Department of Conservation and Recreation (DCR).
  - a copy of the DCR nutrient management plan approval letter which also certifies that the plan was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia.

5. **Certification:** "I certify that for any confined poultry feeding operation that proposes construction of new poultry growing houses, notice of the registration statement has been given to all owners or residents of property that adjoins the property on which the confined poultry feeding operation will be located. This notice included the types and numbers of poultry which will be grown at the facility and the address and phone number of the appropriate Department of Environmental Quality regional office to which comments relevant to the permit may be submitted.

I certify under penalty of law that all the requirements of the Board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

## REGISTRATION STATEMENT INSTRUCTIONS

### VPA GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT FOR POULTRY GROWERS

**General**

A Registration Statement must be submitted when a confined poultry feeding operation makes application to the Department of Environmental Quality for coverage under the VPA General Permit for Poultry Waste Management. Contact the nearest DEQ regional office if you have questions about filing this form.

**Section 1 Poultry Grower Information**

Give the name, mailing address, telephone numbers and e-mail address of the person to whom this permit will be issued. Please provide the best day of the week and time for DEQ to make contact with the grower during regular working hours.

**Section 2 Operator or Contact Person Information**

If there is a person other than the grower who manages daily activities at the operation being permitted or who should be contacted for site visits, give that person's name, phone numbers and e-mail address. If these are the same as the grower information, write "SAME AS ABOVE". Please provide the best day of the week and time for DEQ to make contact with the operator or contact person during regular working hours.

**Section 3 Farm or Facility Information**

Give the name of the farm. Give the location for the confined poultry feeding operation other than the grower's mailing address (e.g. Rt. 653, 1 mile west of Rt. 702). Indicate whether the facility operates under a contract with a commercial poultry processor/ integrator. If applicable, give the name of the integrator. List the number of any expiring or currently effective permits issued to the poultry feeding operation under the VPA permit program.

**New Construction**

Indicate if you are building or plan to build new poultry growing houses at this operation. Note that growers who are building new growing houses must notify all owners or occupants of property bordering the operation, including land where litter will be spread, that they are applying for coverage under the general permit. This notice must include the types and maximum number of poultry on the operation and the address and phone number of the DEQ regional office to which they can send comments relative to the operation's ability to comply with the permit. DEQ must allow 30 days from the date you file the registration statement for comments to be submitted and considered. Failure to provide this notice to neighboring property owners/occupants will invalidate your coverage under the general permit if you are going to build new growing houses. The notice is not required if new houses are not going to be constructed.

This permit has the following restriction on the siting of new growing houses: "New, expanded or replacement poultry growing houses that are constructed after December 1, 2000 shall not be located within a 100-year floodplain unless they are part of an existing, ongoing confined poultry feeding operation and are constructed so that the poultry and poultry litter are housed above the 100-year flood elevation or otherwise protected from floodwaters through construction of berms or similar best management flood control structures."

**Animal Information**

Indicate the type of poultry (i.e. layers, broilers, pullets, turkeys, etc.) grown at this operation and the maximum numbers of each type that the operation will have at any one time.

**Method of Dead Bird Disposal**

Indicate how daily mortalities are disposed of. Note that while composting, incineration, rendering and burial are allowable methods of disposal under the Code of Virginia, operations that use burial for disposal of daily mortalities are not allowed coverage under the general permit. They will have to apply for an individual VPA permit. Contact DEQ for further information if you use burial for disposal of daily mortalities. Burial of entire flocks under §3.2-6002 of the Code of Virginia and burial of partial flocks under the Solid Waste Management Act (§ 10.1-1400) are allowed under the general permit.

**Section 4 Attachments****a. Nutrient Management Plan (NMP)**

State law requires that every poultry feeding operation seeking coverage under the VPA general permit have a Nutrient Management Plan. A copy of the operation's Nutrient Management Plan must be attached to the Registration Statement; however, if a current NMP is on file at the DEQ regional office then it is not necessary to attach the NMP.

**b. NMP Approval Letter**

A copy of the letter from the Virginia Department of Conservation and Recreation approving the operation's NMP and certifying that the NMP was developed by a certified nutrient management planner in accordance with §10.1-104.2 of the Code of Virginia must be attached to the Registration Statement. However, if a current NMP approval letter is on file at the DEQ regional office then it is not necessary to attach the NMP approval letter.

**Section 5 Certification**

The Certification must bear an original signature in ink, photocopies are not acceptable. State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

**VIRGINIA DEQ REGISTRATION STATEMENT FOR VPA GENERAL PERMIT  
FOR POULTRY WASTE MANAGEMENT  
FOR  
POULTRY WASTE END-USERS AND POULTRY WASTE BROKERS**

<b>For DEQ Use Only:</b>	
Accepted: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Initials: _____	
Date: _____	

PLEASE TYPE OR PRINT ALL INFORMATION ALL PARTS OF THIS FORM MUST BE COMPLETED

**1.  
Poultry  
Waste  
End-User  
or Poultry  
Waste  
Broker  
Informatio  
n**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street

City

State

Zip

Business Phone

Mobile Phone

Home Phone

E-Mail Address: \_\_\_\_\_

The best day of the week & time to contact the End-User or Broker: \_\_\_\_\_ ☐ AM  
Date Time ☐ PM

Primary activity to be covered under the general permit: ☐ Poultry Waste End-User ☐ Poultry Waste Broker

**2.  
Farm or  
Facility  
Informatio  
n**

Location where the poultry waste will be utilized, stored or managed: \_\_\_\_\_

Does the facility have an existing VPA permit? YES \_\_\_\_ NO \_\_\_\_ Permit Number: \_\_\_\_\_

Is this a contract operation? YES \_\_\_\_ NO \_\_\_\_ Commercial poultry processor/ Integrator: \_\_\_\_\_

If confined poultry are located at the facility, indicate the types of poultry and the maximum numbers of each type that will be grown at the facility at any one time:

Poultry Type

Maximum Number

_____	_____
_____	_____

3. **Attachments:** the following items must accompany this completed Registration Statement: (see instructions)
- a. a copy of the nutrient management plan approved by the Department of Conservation and Recreation (DCR).
  - b. a copy of the DCR nutrient management plan approval letter which also certifies that the plan was developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia.

4. **Certification:** "I certify under penalty of law that all the requirements of the Board for the general permit are being met and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Signature

Printed Name

Date

## **Requirements for Poultry Litter Use and Storage**

You have received this fact sheet because you are the end user of poultry waste (dry poultry litter containing poultry manure and/or composted dead poultry) also referred to as poultry litter. As required by the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management (9VAC25-630), poultry litter must be used in a manner consistent with this fact sheet or as specified in a nutrient management plan (NMP) prepared by a Virginia certified Nutrient Management Planner.

This fact sheet is intended to summarize the requirements and best management practices for land application of poultry litter as a source of crop nutrients. If poultry litter is to be used for purposes other than land application to crops (for example: animal feed or fuel), these uses may be subject to other laws or regulations. If poultry litter is to be used outside of Virginia, contact that state regarding their requirements.

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### **Storage Requirements**

Poultry litter that is not immediately land applied must be stored properly. Poultry waste shall be stored in a manner that prevents contact with surface water and ground water. If poultry litter must be stored prior to use, the following criteria shall be followed:

- If litter is not stored under roof, the storage site must be at least:
  - 100 feet from surface water, intermittent drainage, wells, sinkholes, rock outcrops, and springs; and
  - 200 feet from any occupied dwellings not on the end-user's or broker's property (unless the occupant of the dwelling signs a waiver of the storage site).
- If stored outside longer than 14 days, the litter must be covered with an impermeable barrier that will resist wind.
- Do not store litter where the water table is less than 1 foot deep.
- If litter is stored in areas where the ground water table is less than 2 feet deep year round, install an impermeable barrier under the litter. Construct impermeable barriers using at least 12 inches of compacted clay, at least 4 inches of reinforced concrete, or another material of similar structural integrity which has a minimum permeability rating of 0.0014 inches per hour ( $1 \times 10^{-6}$  centimeters per second).
- Poultry litter must be protected from storm water runoff accumulating onto or under it.

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### **Soil Sample Collection**

Where soil samples are necessary to utilize any of the methods described in this document the sample must be less than three (3) years old. A representative soil sample of each field is comprised of at least 20 cores randomly sampled throughout the field. Samples should be taken from the top 4 inches of soil where land is not tilled, or the top 6 inches of soil where land is tilled.

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### **Additional Information**

This fact sheet provides basic information. For additional information regarding requirements for poultry litter management, please visit the DEQ website at: <https://www.deq.virginia.gov/Programs/Water/LandApplicationBeneficialReuse/LivestockPoultry/VirginiaPoultryWasteManagementRequirement.aspx>. or toll free (in Virginia) at **1-800-592-5482**.

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## Land Application Rate

The poultry litter application rate can be determined using one of four options:

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### Option 1: Nutrient Management Plan

Poultry litter application rates based on a nutrient management plan can be used when the plan has been developed by a certified nutrient management planner in accordance with §10.1-104.2 of the Code of Virginia. For assistance in locating a nutrient management plan writer consult the Virginia Nutrient Management Certified Planner Directory, available at: [http://www.dcr.virginia.gov/soil\\_and\\_water/documents/nmdir.pdf](http://www.dcr.virginia.gov/soil_and_water/documents/nmdir.pdf)

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### Option 2: Standard Rate

Poultry litter may be applied to any crop at a rate of 1.5 tons per acre once every three years under the following conditions:

- 1) Nutrients have not been supplied by manure, biosolids, or other organic sources, other than pastured animals, to the proposed land application sites within the previous three years of the proposed land application date of poultry litter, and
  - 2) In the absence of current soil sample analyses and recommendations.
- 

### Option 3: Soil Test Recommendations

Litter application rates based on soil test recommendations can be used under the following conditions:

- 1) The soil sample has been taken in the last three years from the proposed field where litter will be applied.
- 2) Soil test recommendations have been provided by a laboratory whose procedures are in accordance with 4VAC50-85-140 A 2 f of the Department of Conservation and Recreation Nutrient Management Regulation. The list of laboratories that DCR approves the lab recommendations can be found at: <http://www.dcr.virginia.gov/soil-and-water/document/nmlablist.pdf>
- 3) Nutrients from the litter application do not exceed the nitrogen or phosphorus recommendations for the proposed crop or double crops. The recommendations are in accordance with 4VAC50-85-140 A 2 a of the DCR Nutrient Management Regulation. If the litter application rate is made to supply all of the future crop phosphorus needs, no additional phosphorus is to be applied during the rotation.

#### **Example for Calculating Poultry Litter Rate based on Soil Test Recommendation:**

Litter Application Rate (Tons per acre)	=	Soil Test P Recommendation Litter P Analysis
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Corn crop needs: **120 lbs/acre Nitrogen** and soil test recommendation for **60 lbs/ac Phosphorus**

Poultry litter analysis: Available Nitrogen = **40 lbs/ton of litter**,  $P_2O_5$  = **50 lbs/ton of litter**

Three (3) Crop Rotation:	1 <sup>st</sup> Crop	+	2 <sup>nd</sup> Crop	+	3 <sup>rd</sup> Crop	Options
	Corn grain <b>60 lbs/ac P recommended</b> 1.2 tons litter		Wheat grain <b>60 lbs/ac P recommended</b> 1.2 tons litter		Soybeans <b>60 lbs/ac P recommended</b> 1.2 tons litter	<b>Apply 1.2 tons to each crop OR Apply only 3.0 tons litter to Corn (0.6 tons litter to Wheat or Soybeans)</b>

In this example, 1.2 tons of litter ( $60 \div 50$ ) will provide the 60 lbs of phosphorus needed for each crop with the nitrogen needs supplemented by commercial fertilizer. Alternatively, applying 3.0 tons of litter to the corn crop provides 150 lbs ( $50 \times 3$ ) of phosphorus for the rotation without exceeding the 120 lbs of nitrogen ( $40 \times 3$ ) needed by the corn crop. Litter used on the wheat or beans cannot exceed the total phosphorus needs of the rotation.



## Option 4: Phosphorous Crop Removal

Litter application rates based on phosphorus crop removal can be used when the soil test phosphorus levels do not exceed the values listed in Table 1. Table 2. is used to determine the pounds of P<sub>2</sub>O<sub>5</sub> removed per unit of harvested yield. As an example calculation using typical values, Table 3 represents litter rates calculated using a poultry litter analysis of: **40 lbs/ton N, 52 lbs/ton P<sub>2</sub>O<sub>5</sub>, and 53 lbs/ton K<sub>2</sub>O** along with average crop yields.

### LITTER RATE CALCULATION

$$\text{Poultry Litter Rate} = \frac{\text{Yield per acre (tons or bushels)} \times \text{P}_{2}\text{O}_{5} \text{ removal per yield unit (lbs)}}{\text{Poultry Litter P}_{2}\text{O}_{5} \text{ content (lbs per ton)}}$$

(Tons per acre)

Table 1. Maximum Soil P	Mehlich I procedure		Mehlich III procedure	
	P (lbs/acre)	P (ppm)	P (lbs/acre)	P (ppm)
Eastern Shore & Lower Coastal Plain	270	135	506	253
Middle & Upper Coastal Plain & Piedmont	272	136	508	254
Ridge & Valley	324	162	562	281

Table 2. Phosphorus Removed

Crops	LBS. P <sub>2</sub> O <sub>5</sub> Per Yield Unit (lbs)	
	Grain - Bushels	Silage - Tons
Row Crops		
Corn	0.38	4.2
Wheat	0.51	4.2
Barley	0.40	5.1
Rye	0.45	5.6
Soybeans	0.89	10.0
Forages	Hay - Tons	Pasture
Fescue or Orchardgrass	16*	****
Bermudagrass	10.4*	****

Table 3. Typical P <sub>2</sub> O <sub>5</sub> Removal Litter Rate			Poultry Litter Rate (tons/acre)	Nutrients supplied by Poultry Litter		
Crop	Yield (per Acre)	Nitrogen Needs of Crop (lbs/acre)		N (lbs)	P <sub>2</sub> O <sub>5</sub> (lbs)	K <sub>2</sub> O (lbs)
Corn grain	120 bushels	120	0.9	35	45	50
Corn silage	17 tons	130	1.3	50	70	70
Wheat grain	80 bushels	100	0.8	30	40	45
Barley grain	80 bushels	80	0.6	25	30	30
Barley silage	8.0 tons	80	0.8	30	40	45
Rye silage	6.0 tons	100	0.8	30	40	45
Soybeans (dc)	25 bushels	0	0.4	15	20	20
Hay	3 tons	80	1.0	40	50	55
Pasture	n/a	60	0.6	25	30	30

### Notes for Table 2:

- 1.\* Use 1/2 of the yield from VALUES if planted in the spring, 0 if planted in the fall, to calculate crop removal for the establishment year.
- \*\*\*\* Productivity I & II - 30 lbs  
Productivity III - 25 lbs  
Productivity IV - 20 lbs
2. For double crops, add removal for each crop.
3. Additional crops - see Table 4-7 of the DCR Standards and Criteria at: <http://www.dcr.virginia.gov/document/standardsandcriteria.pdf>

**Example for Calculating Poultry Litter Rate based on P<sub>2</sub>O<sub>5</sub> removal:** Poultry litter analysis: Nitrogen = **40 lbs/ton**, P<sub>2</sub>O<sub>5</sub> = **52 lbs/ton**, K<sub>2</sub>O = **53 lbs/ton**  
Crop yields: Corn grain = **120 bushels**, Wheat grain = **80 bushels**, Soybeans = **25 bushels**  
**Three (3) Crop Rotation:**

$$1^{\text{st}} \text{ Crop} + 2^{\text{nd}} \text{ Crop} + 3^{\text{rd}} \text{ Crop} = \text{Litter Application Rate on } 1^{\text{st}} \text{ Crop}$$

In this example, Corn grain 0.9 tons + Wheat grain 0.8 tons + Soybeans 0.4 tons =

**2.1 tons litter applied to Corn**  
(NO litter applied to Wheat or Soybeans)

of available Nitrogen to the corn crop. The corn needs an additional 36 lbs (120-84) of Nitrogen that must be supplied by commercial fertilizer. The wheat must also be provided with commercial Nitrogen fertilizer when that crop is actively growing. Litter cannot be used on the wheat or beans because the phosphorus has been supplied in the litter applied to the corn.

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## Land Application Timing

The application schedule below shall be followed in cases where the land application is not being covered under a Nutrient Management Plan (NMP) - not using *Option 1. - NMP* to determine the land application rate.

CROP	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Corn												
Small Grain												
Hay or Pasture *												
Hay or Pasture **												
* Includes all cool-season grasses: fescue, orchardgrass (growth occurs in the cooler months of the spring & fall)												
** Includes all warm-season grasses: bermudagrass (growth occurs in the heat of the summer)												
	Poultry litter may be spread during these periods											
	Do not spread poultry litter during these shaded periods											

**Do not spread poultry litter more than 30 days prior to planting.**

**Poultry litter may be applied to frozen ground if all of the following conditions are met:**

- Slopes are not greater than 6%;
- A minimum of a 200-foot vegetative or adequate crop residue buffer is maintained between the application area and all surface water courses;
- Only those soils characterized by USDA as "well drained" with good infiltration are used; **and**
- At least 60% uniform cover by vegetation or crop residue is present in order to reduce surface runoff and the potential for leaching of nutrients to ground water.

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## Land Application Timing in Cases of Emergency

In cases of where poultry waste / litter storage is threatened by emergencies such as fire or flood or where these conditions are imminent, poultry litter can be land applied outside of the spreading schedule outlined in the Fact Sheet. If this occurs, the end-user or broker shall document the land application information in accordance with (9VAC25-630-70 A 3) summarized in the *Recordkeeping and Reporting Requirements Section - Land Application* on page 5 of this Fact Sheet.

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## Land Application Setbacks

Do not spread litter within the following setback areas:

- 100 feet from wells or springs
- 100 feet from surface water without a permanent vegetated buffer\*
- 35 feet from surface water with a permanent vegetated buffer\*
- 50 feet from limestone outcroppings
- 25 feet from other rock outcroppings
- 200 feet from occupied dwellings (unless the occupant signs a waiver of the buffer zone)
- Litter shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.

\* A vegetated buffer is a permanent strip of dense vegetation established parallel to the contours of and perpendicular to the dominant slope of the field.

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## Recordkeeping Requirements

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### Poultry Litter Transfers

Poultry litter transfers must comply with the criteria outlined in this fact sheet. All records must be maintained for at least three (3) years from the date of the transaction. The attached *End-User Poultry Litter Transfer Recordkeeping Form* is provided to meet the recordkeeping requirements of the end-user.

Provide to the litter source by the end-user:

1. Recipient Name & Signature
2. Recipient Address
3. Locality where litter will be utilized (nearest town/city, county and zip code)
4. Name of stream or waterbody nearest to utilization or storage site
5. Written acknowledgement of receipt of (1) the waste / litter, (2) the nutrient analysis, and (3) this fact sheet

Document for required records:

1. Source name
2. Source address
3. Source permit number (if applicable)
4. Date litter was received
5. Amount of litter received
6. Final use of poultry litter
7. Locality where litter will be utilized (nearest town/city, county and zip code)
8. Name of stream or waterbody nearest to utilization or storage site

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### Land Application

Land application of poultry litter must comply with the criteria outlined in this fact sheet. All records must be maintained for at least three (3) years from the date of the land application date. The attached *End-User Poultry Litter Land Application Recordkeeping Form* is provided to meet the recordkeeping requirements of the end-user.

1. Nutrient analysis of litter
2. Maps identifying the land application fields and storage sites
3. Land application rate(s)
4. Land application date(s)
5. Crops planted
6. Soil test results (if obtained)
7. Nutrient management plan (if applicable)
8. Method used to determine the land application rate(s): (NMP, standard rate, soil test recommendations or phosphorus crop removal)

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## Reporting Requirements

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### Poultry Litter Transfers & Land Application Records

End-users shall submit the poultry waste transfer records and land application records required by 9VAC25-630-70 A1, A2 and A3 in accordance with the timing outlined below.

(1) Beginning in the first year (2021) and continuing through the second year (2022) after the effective date of this regulation (2020), upon request by the department, the end-user shall submit the records in a format and method determined by the department; and

(2) Beginning in the third year (2023) after the effective date of this regulation (2020), the end-user shall submit to the department, annually, the records for the preceding state fiscal year (July 1 through June 30) no later than September 15.

## End-User Poultry Litter Transfer Recordkeeping and Reporting Form

*This record must be maintained by the end-user for at least three (3) years from the date of the litter transfer.*

### SOURCE INFORMATION: Poultry Grower or Poultry Waste Broker

DEQ Registration/Permit #: \_\_\_\_\_

Name: \_\_\_\_\_ Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State Zip

Date(s):		Amount in Tons:		Analysis N-P-K (available - lbs/ton):	
Locality where litter will be utilized or stored:				Nearest Stream or Waterbody to Land Application or Storage Area:	
Town/City	County	Zip			
Final Use of Litter: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify): _____					

Date(s):		Amount in Tons:		Analysis N-P-K (available - lbs/ton):	
Locality where litter will be utilized or stored:				Nearest Stream or Waterbody to Land Application or Storage Area:	
Town/City	County	Zip			
Final Use of Litter: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify): _____					

### SOURCE INFORMATION: Poultry Grower or Poultry Waste Broker

DEQ Registration/Permit #: \_\_\_\_\_

Name: \_\_\_\_\_ Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State Zip

Date(s):		Amount in Tons:		Analysis N-P-K (available - lbs/ton):	
Locality where litter will be utilized or stored:				Nearest Stream or Waterbody to Land Application or Storage Area:	
Town/City	County	Zip			
Final Use of Litter: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify): _____					

Date(s):		Amount in Tons:		Analysis N-P-K (available - lbs/ton):	
Locality where litter will be utilized or stored:				Nearest Stream or Waterbody to Land Application or Storage Area:	
Town/City	County	Zip			
Final Use of Litter: <input type="checkbox"/> Fertilizer <input type="checkbox"/> Feed <input type="checkbox"/> Fuel <input type="checkbox"/> Other (specify): _____					

## End-User Poultry Litter Land Application Recordkeeping and Reporting Form

***This record must be maintained by the end-user for at least three (3) years from the land application date.*** If litter is not land applied, this information is not required to be documented.

Date Litter Applied	Field ID	Number of Acres	Crop Planted	Nutrient Analysis of Litter (available N-P-K lbs/ton)	Tons of Litter Applied per Acre	Method Used to Determine Rate 1) NMP 2) Std Rate 3) Soil Test 4) P Removal

**In addition, the following items must be maintained for at least three (3) years from the land application date:**

1. **Field Maps:** a copy of the map with field ID for each field receiving litter
2. **Soil Tests:** If a soil test was obtained, a copy of the test result(s)
3. **NMP:** If an NMP was used to determine the application rate(s), a copy of the plan



**REGISTRATION STATEMENT INSTRUCTIONS**  
**VPA GENERAL PERMIT FOR POULTRY WASTE MANAGEMENT**  
**FOR**  
**POULTRY WASTE END-USERS AND POULTRY WASTE BROKERS**

**General**

A Registration Statement must be submitted when a poultry waste end-user or poultry waste broker makes application to the Department of Environmental Quality for coverage under the VPA General Permit for Poultry Waste Management. Contact the nearest DEQ regional office if you have questions about filing this form.

**Section 1 Poultry Waste End-User or Poultry Waste Broker Information**

Give the name, mailing address, telephone numbers and e-mail address of the person to whom this permit will be issued. Please provide the best day of the week and time for DEQ to make contact with the poultry waste end-user or poultry waste broker during regular working hours. Please indicate the primary activity to be covered under the general permit (i.e. Poultry Waste End-User or Poultry Waste Broker)

**Section 2 Farm or Facility Information**

Give a location for the operation where the poultry waste will be utilized, stored or managed (i.e. Rt. 653, 1 mile west of Rt. 702). List the number of any expiring or currently effective permits issued to the facility under the VPA permit program. Indicate whether the facility operates under a contract with a commercial poultry processor/ integrator. If applicable, give the name of the integrator.

**Animal Information**

If confined poultry are located at the facility, indicate the type of poultry (i.e. layers, broilers, pullets, turkeys, etc.) grown at this operation and the maximum numbers of each type that the operation will have at any one time.

**Section 3 Attachments**

**a. Nutrient Management Plan (NMP)**

A copy of the operation's Nutrient Management Plan must be attached to the Registration Statement; however, if a current NMP is on file at the DEQ regional office then it is not necessary to attach the NMP.

**b. NMP Approval Letter**

A copy of the letter from the Virginia Department of Conservation and Recreation approving the operation's NMP and certifying that the NMP was developed by a certified nutrient management planner in accordance with §10.1-104.2 of the Code of Virginia must be attached to the Registration Statement. However, if a current NMP approval letter is on file at the DEQ regional office then it is not necessary to attach the NMP approval letter.

**Section 4 Certification**

The Certification must bear an original signature in ink, photocopies are not acceptable. State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

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For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

